

CERTIFIED UNIFIED PROGRAM AGENCY

Deficiency Progress Update Report 5

EVALUATION DATE(S):	April 28 – 29, 2015				
CUPA:	City of Long Beach Health and Human Services Department				
Post-EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	State Water Board	CAL FIRE - OSFM
	Katrina Valerio	Matthew McCarron	Fred Mehr	Laura Fisher Sean Farrow	Jenna Yang
Deficiency Pending	1, 2, 4, 5,				
Deficiencies Corrected	3, 6, 7, 8, 9- these deficiencies do not require further corrective action.				
Next Update Due by	April 25, 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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<p>The CUPA is required to submit a Deficiency Progress Report every 90 days until all deficiencies have been acknowledged as corrected.</p> <p>Each Deficiency Progress Report must include a narrative stating the progress toward correction of <u>all</u> deficiencies identified in the Summary of Findings evaluation report.</p>	<p>Deficiency Progress Report submittal dates for the first year following the evaluation are as follows:</p> <p style="text-align: center;">Update 5: January 25, 2017 Update 6: April 25, 2017 Update 7: July 25, 2017 Update 8: October 25, 2017</p> <p style="text-align: center;">Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.</p>
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1. DEFICIENCY:	CORRECTIVE ACTION:
<p>The CUPA is not exercising a graduated series of enforcement on facilities based on the severity of the violations.</p> <p>The CUPA has referred formal enforcement cases to the City Prosecutor, but due to budget cuts that have limited their staffing and resources, the prosecutor's office has not been able to accept all environmental cases.</p> <p>In the CUPA's final update for the 2013 evaluation dated January 16, 2015, the CUPA stated that it "will not be pursuing Administrative Enforcement Orders at this time or in the near future due to staffing levels. The CUPA is making progress in obtaining compliance with the increased assessment of re-inspection fees and the reinstatement of the Hazmat Investigator. The CUPA meets regularly with the Investigator to review active cases and discuss new cases for their assistance."</p> <p>During the 2013 evaluation, the State Water Board reviewed the facility file for the VA Hospital located at 5901 E. 7th Street and noted failures occurred during secondary containment testing State Water Board's review of the same facility file in 2015 indicates that the facility continues to operate out of compliance and that formal enforcement has not been initiated.</p> <p>This deficiency is carried over from the 2013 evaluation.</p>	<p>Within 30 days, the CUPA will prepare a Notice of Significant Violation (NOV), issue it to the VA Hospital located at 5901 E. 7th Street, and send a copy of the NOV to CalEPA.</p> <p>By January 25, 2016, the CUPA will compile and submit a list of facilities with recalcitrant and significant violations that require formal enforcement. The list will include all facilities referred to the City Prosecutor within the last two years and status of each case and a statement describing the formal enforcement process that will be pursued for each facility.</p> <p>By April 25, 2016, the CUPA will submit a procedure to CalEPA documenting the alternative process for pursuing formal enforcement if the City Prosecutor fails to accept the case.</p> <p>With each subsequent update, the CUPA will submit an updated list of significant and recalcitrant violators. To demonstrate follow through with formal enforcement, the CUPA will submit a formal enforcement report to CalEPA within 30 days after a final case disposition [deficiency 5]. State evaluators may request additional documentation that demonstrates the CUPA has followed through on pursuing formal enforcement prior determining this deficiency corrected.</p>
<p>Deficiency Progress Update 1:</p> <p>A "Notice of Significant Violations" was issued to the VA Hospital located at 5901 E. 7th St. on May 12, 2015 for (7) sites at their facility that remained non-compliant. All of the sites were compliant at the follow up inspection to the NOV, except (2) which were subsequently "red tagged". One of the red tagged sites was able to come into compliance in a couple of days which allowed the red tag to be lifted. The last site had to develop plans and obtain permits and remove numerous large trees to perform the work, but did come into full compliance within 3 months. A copy of the NOV has been provided.</p>	

The enforcement actions that have been entered in CERS have been reviewed and updated. Many enforcement open actions have been closed due to compliance, out of business, under threshold, etc. The HazMat Investigator was periodically provided a list of facilities that were non compliant which with her assistance lead to many facilities becoming complaint.

A list of facilities with significant violations has been provided.

The Hazmat Investigator retired towards the end of 2015 and the Department is in the process to replace the position.

Evaluation Team Response:

CalEPA appreciates the CUPA's quick responses to questions pertaining to this deficiency and associated attachments. Please review the responses from the State Water Board and DTSC below which address specific program elements.

State Water Board

Deficiency is a work in progress.

State Water Board acknowledges the CUPA's Deficiency Progress Update 1, and attachments showing the issuance of an NOV for the VA Hospital. Per the Corrective Action requirements, an NOV has been issued to the VA Hospital, which is dated May 12, 2015. The NOV identifies violations, a due date to correct all violations, and language stating non-compliance will result in the issuance of Red Tags and referral to the City of Long Beach Prosecutor's Office and/or State Water Resources Control Board.

State Water Board also acknowledges the list of facilities with recalcitrant and significant violations. Our review finds, a total of five (5) UST facilities including the VA Hospital and language showing the status of recalcitrant and significant violations. State Water Board finds the deficiency is a work in progress as the CUPA is complying with the Corrective Action requirements.

DTSC

Information provided by the CUPA indicated that within the last three years five UST program facilities have been cited for significant violations that require enforcement actions. At present, the lack of inspection and enforcement data available in CERS does not allow DTSC to confirm presence or absence of violations for hazardous waste program facilities. DTSC looks forward to reviewing the CUPA's process for pursuing formal enforcement and reviewing implementation of the process in subsequent updates.

Deficiency Progress Update 2:

The CUPA will focus more on enforcement activities in the near future when all staff vacancies and new positions are hired and trained. This will free up CUPA administrative staff that can then more actively pursue formal enforcement activity. In the interim, re-inspection /penalty fees have been increased to 150% of the permit fee after the 2nd inspection and 200% of the permit fee for each subsequent inspection which we expect will assist in achieving more compliance.

Evaluation Team Response:

The CUPA has not complied with the corrective action. The CUPA did not provide a procedure documenting their process for pursuing formal enforcement when a case is not accepted by the City Prosecutor and did not provide a list of facilities with significant and recalcitrant violations. Please review the responses from the State Water Board and DTSC that details the submittals needed for each program to assess the progress the CUPA has made towards correcting this deficiency.

State Water Board

The CUPA has not complied with the corrective action requirements.

State Water Board acknowledges the CUPA's Deficiency Progress Update 2. The corrective action requires the CUPA to:

1. By April 25, 2016, the CUPA will submit a procedure to CalEPA documenting the alternative process for pursuing formal enforcement if the City Prosecutor fails to accept the case.
2. With each subsequent update, the CUPA will submit an updated list of significant and recalcitrant violators.

State Water Board review of the CUPA's Deficiency Progress Update 2 finds, the CUPA identifies focusing on enforcement in the near future as there are staff vacancies and new positions being filled. Furthermore, the CUPA identifies increasing re-inspection and penalty fees to help with achieving compliance for issued violations. The CUPA did not provide to CalEPA, a procedure for documenting the alternative process for pursuing formal enforcement if the City Prosecutor fails to accept the case. In addition, the CUPA did not provide to CalEPA, an updated list of significant and recalcitrant violators. Therefore, State Water Board will continue working with the CUPA in the next Deficiency Progress Update.

Action Plan for the CUPA

1. In the next Deficiency Progress Update, the CUPA will provide to CalEPA, the CUPA's formal procedure for documenting the alternative process for pursuing formal enforcement if the City Prosecutor fails to accept the case.
2. In the next Deficiency Progress Update, the CUPA will provide to CalEPA, an updated list of significant and recalcitrant violators.

DTSC Response:

The CUPA has not complied with the corrective action. Pursuant to the corrective action the CUPA is required to submit a list of significant and recalcitrant violators. The list of violators was not provided with this evaluation report.

The lack of inspection and enforcement data available in CERS does not allow DTSC to confirm presence or absence of violations for Hazardous Waste Generators.

With the next update report please provide a spreadsheet list from envision connect that lists any hazardous waste violations by class for each business that have open violations.

Deficiency Progress Update 3:

The Long Beach CUPA has revised the Inspection and Enforcement policy that documents the alternative process for pursuing formal enforcement if the City Prosecutor fails to accept the case (attachment-Section E(3)(d) on page 9).

The reinspection fees that were recently increased have assisted in gaining compliance, so there are no significant or recalcitrant violators at this time.

The CUPA is unable to provide a spreadsheet list from envision connect that lists any hazardous waste violations by class for each business that has open violations. At this time, the CUPA has not received training or instruction from Accela regarding developing reports. The CUPA expects to receive this training later this year or early next year.

Evaluation Team Response:**State Water Board**

The CUPA has not complied with the corrective action requirements.

State Water Board acknowledges the CUPA's Deficiency Progress Update 3. The corrective action requires the CUPA to:

1. With each subsequent update, the CUPA will submit an updated list of significant and recalcitrant violators.

The CUPA states, "there are no significant or recalcitrant violators at this time." State Water Board's review of CERS CME finds there are cited UST violations, which have no dates for RTC for an excessive period of time. The Corrective Action allows State evaluators to request additional documentation to demonstrate the CUPA has followed through on pursuing formal enforcement prior determining this deficiency corrected. Therefore, State Water Board selects the following UST facilities which the CUPA will provide enforcement information if not available in CERS to include but not be limited to; 1) the most recent annual UST compliance inspection report, 2) follow-up emails, 3) notice of violations, 4) progressive enforcement activities, 5) RTC information, including re-inspection reports, etc. to demonstrate the CUPA is exercising a graduated series of enforcement.

1. CERS ID – 10619035, has cited violations in CERS with no RTC dated 9-11-15;
2. CERS ID – 10422568, has cited violations in CERS with no RTC dated 6-4-15; and
3. CERS ID – 10447738, has cited violations in CERS with no RTC dated 6-4-15.

Our review of provided information finds the CUPA submitting an Inspection and Enforcement Plan for the Long Beach Unified Program Agency. Page 9 includes language that if the City Prosecutor and/or the City Attorney do not accept an enforcement case from the Long Beach Fire Department Environmental Crimes Unit, the CUPA will utilize the Administrative Enforcement Order Process for Class II violations. The CUPA does not use this same language for Class I violations. State Water Board recommends the CUPA add this language to Class I violations to be consistent for enforcing a graduated series of enforcement.

Action Plan for the CUPA:

In the next Deficiency Progress Update, the CUPA will provide to CalEPA, information demonstrating the CUPA is excising a graduated series of enforcement for selected UST facilities.

DTSC

Due to the limitations of the CUPA's local data base connection with CERS making compliance with the hazardous waste portion of the corrective action impossible, DTSC requests copies of the last 5 hazardous waste inspections that had violations to be submitted to CalEPA upon receipt of this progress report update. Within the email transmitting the inspection reports, please also provide a description of how the CUPA tracks inspections that are coming due.

Deficiency Progress Update 4:**Response to SWRCB:**

- The Long Beach CUPA does not have any significant or recalcitrant violators to report at this time.
- CERS ID 10619035, cited violations in CERS with no RTC dated 9-11-15: The RTC is 1-26-16 and this has been corrected in CERS.
- CERS ID 10447738, cited violations in CERS with no RTC dated 6-4-15: The RTC is 2-2-16 and this has been corrected in CERS.
- CERS ID 10422568, cited violations in CERS with no RTC dated 5-2-15: The RTC is 4-9-16 and this has been corrected in CERS. In addition, the following enforcement actions were taken and this has been entered in CERS: On 3-25-16, an office hearing was conducted at the facility with the Deputy Fire Marshal present. Notice was given to facility they would be red tagged should open items not be completed per schedule. The CUPA permit was withheld and penalties of \$1,357 were assessed. All outstanding items were corrected by 4-9-2016.
- The Long Beach CUPA has added similar AEO language to the Inspection and Enforcement Plan (bottom of page 9) for Class I violations. See attached I & E Plan.

Response to DTSC:

- The CUPA recently began successful upload of Hazardous Waste inspections to CERS from Envision Connect. As a result of this success, the CUPA requests that DTSC refer to CERS for inspection/violation data.
- The CUPA tracks inspections that are coming due in the Envision Connect program.

The Long Beach CUPA requests that this deficiency be considered corrected and complete.

Evaluation Team Response:**CalEPA**

Pursuant to the corrective action, the CUPA is required to submit a list of significant and recalcitrant violators with every deficiency progress update report. CERS can be used to provide this list. Compared to previous update report submittals, the CUPA has made a lot of progress during this reporting period in ensuring data is uploaded to CERS. The input of data has enabled evaluators to get a better view of violations cited by the CUPA over the last few years. It is not clear whether data entry is complete for the hazardous waste program or that the CUPA is following a graduated series of enforcement for non-minor and recalcitrant violations. Many of the referrals documented in CERS are internal referrals Long Beach Fire Department Hazmat Investigator and although such referrals document the CUPA's formal enforcement process, they do not demonstrate formal

enforcement. Additionally, the CUPA has not completed data entry of enforcement information. Most enforcement actions are lacking information about the associated violations or program elements, which makes it impossible to determine whether graduated series of enforcement actions are being pursued for the hazardous waste generator program.

Although the CUPA has made progress in providing a list of significant and recalcitrant violations, the data provided through CERS also indicates that the graduated series of enforcement process is not progressing for the hazardous waste program after internal referral. The CUPA has demonstrated complete graduated series of enforcement for the UST program.

With the next update report, the CUPA will continue to provide a list of significant and recalcitrant hazardous waste violations and the enforcement actions pursued for each facility. The CUPA may continue to use CERS to provide this information, or may provide a spreadsheet if more complete information is available through other means.

State Water Board

State Water Board portion of this deficiency is considered corrected.

State Water Board acknowledges the CUPA's Deficiency Progress Update 4. Our review of the CUPA's I & E Plan finds a revision date of November 2, 2016. Furthermore, our review finds the CUPA providing additional language as suggested for Class I violations where, if the City Prosecutor and/or the City Attorney do not accept an enforcement case from the Long Beach Fire Department Environmental Crimes Unit, the CUPA will utilize the Administrative Enforcement Order Process.

State Water Board notes the CUPA updating CERS CME reflecting RTC for selected UST facilities; which should have been completed prior to Deficiency Progress Update 3. In addition, our review of CERS finds no open violations which require formal enforcement. Therefore, State Water Board portion of this deficiency is corrected.

Please note the following regarding UST violations in CERS; our review finds the CUPA reporting "general" and "general-local ordinance" violations. Unless the CUPA has a local ordinance which allows for this practice, State Water Board recommends the CUPA to discontinue this practice as violations should reflect specific violation numbers identified in the Unified Program Violation Library. In addition, our review of CERs finds the CUPA reporting violations specific to what appears to be Fire Code requirements. Fire Code requirements are not captured in Title 23 nor the Unified Program Violation Library therefore, State Water Board recommends the CUPA discontinue reporting these violations in CERS.

DTSC response:

DTSC is encouraged at seeing the data in CERS for violations and return to compliance. CERS data shows 862 violations for Hazardous Waste. CERS data lists 29 Class 1 Hazardous Waste violations all with Return to Compliance (RTC) dates. None of the Class 1 violations have a formal enforcement summary listed on the CalEPA website and only one (1) formal enforcement for Hazardous Waste is documented in CERS. CERS data lists 71 Class II violations and only 6 do not have RTC listed. CERS data lists 763 Minor violations and 124 have no RTC (all are over 30 days old).

This deficiency is for not performing a graduated Series of enforcement. The most notable needs are for minor violations that exceed 30 days for RTC. DTSC is unable to determine if any minor violation was ever upgraded to a non-minor as a result of exceeding the 30 day RTC requirement or for facilities that still have outstanding RTC. The Current I and E plan states on page 13 that all Class 1 violation will have formal enforcement. Of the 29 Class 1 violations no formal enforcement is showing on CERS. There no description on what happens to minor violations that exceed the 30 days to RTC or if the facilities have not RTC in the I and E plan.

DTSC understands that the CUPA was waiting to replace staff in order to catch up on enforcement processing and that the CUPAs referrals to the City attorney were sometimes rejected for lack of ability/resources to process. With the next update, DTSC would like an update on the staffing issue and a list of any of the Hazardous Waste violation cases that were referred to the City Attorney/prosecutor and rejected.

Deficiency Progress Update 5:

The CUPA continues to use CERS to provide a list of significant and recalcitrant hazardous waste violations and the enforcement actions pursued. The CUPA has corrected the Class 1 hazardous waste violations (all with RTC dates) in CERS. Half of the Class 2 with no RTC have been corrected and the other half have been referred to the inspectors for correction. All facilities with Minor violations and no RTC will be referred to the inspectors for correction. All staff have had additional training regarding the correct procedure to input inspections/violations and how to input Return to Compliance dates.

Evaluation Team Response:

The goal of the corrective action is to ensure the CUPA pursuing formal enforcement when necessary and that an administrative process is available in the event that a case sent to the City Attorney is not accepted. The concern of the evaluation team is that the CUPA is not pursuing formal enforcement when necessary and that an administrative enforcement process is not in place. The initial corrective action, creation of a list of facilities with open violations was to give a baseline for the evaluation team to follow in order to follow the CUPA's process of following up on violations as they close or are enforced upon.

In reviewing violations uploaded to CERS for HWG inspections after the 2015 evaluation, there appear to be 63 open violations (CalEPA has provided this spreadsheet to the CUPA and DTSC separately). 3 Class II violations and 60 Minor violations. These violations occurred during inspections of a total of 21 facilities.

The 3 open Class II Violations are over 1 year old (occurring at two facilities).

- 10463773 – No RTC after 615 days.
- 10673227 – No RTC after 451 days.
- 10673227 – No RTC after 455 days.

Each of the minor violations occurred more than 100 days ago and 48 of 60 have no RTC after more than 1 year, and as such appear recalcitrant at a glance.

Please note that a difficulty with using CERS for this analysis is that the CUPA has not completed entry of all HWG inspections. The backlog of inspection data entry is the reason for the original request.

With the next update, please provide complete a list of open HWG violations or confirm that the list extracted from CERS (provided separately by CalEPA) is a complete list of open HWG violations. For each open violation, please provide a statement detailing where the violation is in the RTC process, and if formal enforcement will be pursued.

DTSC understands that not all violations require formal enforcement. CERS data shows no Class 1 violation listings. Please also include any information that you have on any possible formal enforcement cases. Please provide on separate file, so we can assist with confidentiality issues or contact Cal EPA to discuss.

2.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not ensuring that businesses, who are subject to the business plan program, electronically submit a hazardous materials business plan annually.</p> <p>During the 2015 evaluation it was determined that approximately 28% of regulated businesses have not submitted business plans in either the California Environmental Reporting System (CERS) or the CUPA's portal within the last year.</p> <p>The 2013 evaluation documented that 32% of businesses had not submitted. This is only a 4% improvement over two years.</p> <p>This deficiency is carried over from the 2013 evaluation.</p>	<p>By January 25, 2016, the CUPA will establish a process to ensure that all regulated businesses that have not electronically submitted business plans within the last 12 months will be brought into compliance. The CUPA will provide a narrative update to CalEPA detailing the number of notifications that went out and the number facilities that have submitted their business plan. This may require the CUPA to provide a printout from its portal to demonstrate current submittal dates.</p> <p>By April 25, 2016, the CUPA will establish a recurrent notification process to remind businesses to resubmit business plans annually. The CUPA will continue to provide a narrative update to CalEPA detailing the number of notifications that went out and the number of facilities that have submitted their business plan until all business have submitted their business plan or business plan submittals currently contained in the portal are available for review in CERS.</p>

Deficiency Progress Update 1:

The Long Beach CUPA have taken the following steps to address this deficiency since the audit:

- An intern was engaged in Spring/Summer 2015. The intern added the "Next Reporting Due Date" of one year from the latest accepted inventory in CERS. Staff is also adding the "Next Reporting Due Date" when accepting the Inventory section in CERS.
- The CUPA mailed out reminders in two separate mailings to 158 facilities total regarding the HMBP Annual Inventory Certification requirement. A total of 29 HMBPs were received and 25 of those were accepted. Two facilities were determined to be out of business and were removed from the program.
- In the future, the CUPA will be sending electronic reminders to businesses regarding the HMBP Annual Inventory Certification requirement.
- The current submittal date total in the portal is 237 and a portal printout has been provided.

Evaluation Team Response:

OSFM and Cal OES acknowledge the effort the CUPA has made to address this deficiency. A review of CERS and documentation submitted by the CUPA shows the following:

- 571 facilities with current business plans in CERS
- 403 facilities with current business plans in the local portal
- 974 of 1233 business plan facilities have current business plans.

This deficiency remains pending. 259 (21%) of 1233 business plan facilities have not submitted a business plan within the last year. On the next progress report, please continue to provide a narrative status of the CUPA's progress toward correcting this deficiency, including the number of businesses who received a notice and have submitted their business plan and a list of all current business plans in the portal unless they are available to for review on CERS.

Deficiency Progress Update 2:

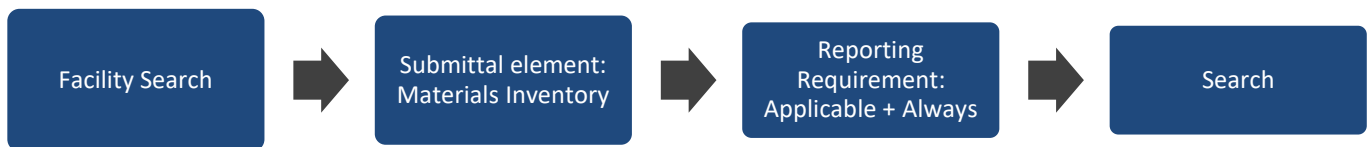
The Long Beach CUPA continues to inspect and reach out to businesses regarding their business plan submittals. The current submittal total in the portal is 322 for the date range of 4/1/2015 to 4/30/2016. A portal printout has been provided. A CERS project was completed that verified that businesses that are out of business have had all of their reporting requirements set to Not Applicable. In addition, many businesses have updated their submittals in CERS since the last progress report.

Evaluation Team Response:**OSFM:**

OSFM appreciates the CUPA's efforts to inspect business plan facilities and conducting outreach; however, this deficiency remains unresolved. A review of CERS and documentation submitted by the CUPA shows the following:

- 631 facilities with current business plans in CERS
- 322 facilities with current business plans in the local portal
- 953 of 1233 business plan facilities have current business plans.

280 (23%) of 1233 business plan facilities have not submitted a business plan within the last year. The search method in which OSFM used to retrieve data from CERS is shown below.



Pursuant to Health and Safety Code, Chapter 6.95, Article 1, Section 25508(a)(3), if a handler fails, after reasonable notice, to electronically submit a business plan, the CUPA shall take appropriate enforcement, including administrative, civil or criminal penalties. On the next progress report, please continue to provide a narrative status of the CUPA's progress toward correcting this deficiency, including the number of businesses who received a notice and have submitted their business plan, and a list of all current business plans in the portal unless they are available for review in CERS.

Deficiency Progress Update 3:

The Long Beach Fire Department has discontinued use of the local portal for submissions, as of July 1, 2015. All facilities are being directed to CER for submittals. As a result, the numbers in CERS will be increasing as the numbers in the local portal are decreasing.

A review of CERS and attached supporting documentation show the following:

- 721 facilities with current business plans in CERS
- 240 facilities with current business plans in the local portal (attachment)
- 961 of 1233 (78%) business plan facilities have current business plans

The Long Beach CUPA has developed a CERS Guidance Document (attachment) to facilities. CUPA inspectors in both the Health and Fire Departments are distributing the guidance document. An intern was engaged in June 2016 and is currently mailing out the guidance document to 204 Hazardous Waste Generator only facilities. The second phase of this project is to mail out the guidance document to the remaining HMRRP facilities that have not made a complete submittal in CERS. It is estimated that this project will be complete by mid-August. The CUPA expects that many of the facilities will take action upon receiving the mailout.

Evaluation Team Response:

Cal OES and OSFM review of CERS and documentation submitted by the CUPA shows the following:

- 726 facilities with current business plans in CERS
- 240 facilities with current business plans in the local portal
- 267 (21%) of 1233 business plan facilities do not have current business plans.

The CUPA provided an excellent guidance document to assist businesses in establishing CERS accounts, creating and adding new facilities, updating existing HMBP activities, and submitting. The CUPA should continue with their plan on distributing the CERS Guidance Document that was developed. On the next progress report, provide a narrative status of the CUPA's progress toward correcting this deficiency, including continued outreach efforts, the effectiveness of the guidance document, and enforcement actions taken to achieve compliance, if any.

Deficiency Progress Update 4:

The Long Beach Fire Department has discontinued use of the local portal for submissions, as of July 1, 2015. All facilities are being directed to CER for submittals. As a result, the numbers in CERS will be increasing as the numbers in the local portal are decreasing.

In July/August, an intern mailed the CERS Guidance document to 425 facilities that have not made an inventory submittal in CERS within the last year.

Reinspection fees were charged to 15 facilities from July 1, 2016 to present for non-compliance.

In addition, the following wording was added to the annual CUPA billing that went out on October 28, 2016: "Remember to annually certify your Hazardous Materials Business Emergency Plan electronically in CERS at <http://cers.calepa.ca.gov>". (See attached CUPA annual bill).

A review of CERS and the LBFD portal show the following for the date range of October 1, 2015 to November 4, 2016:

- 908 facilities with current inventories in CERS
- 142 facilities with current inventories in the local portal (See attached LBFD portal documentation)
- 1,050 total facilities with current inventories
- 1,233 total businesses subject to the Business Emergency Plan program

At this time, 85% (1,050/1,233) facilities have current inventories in CERS.

The Long Beach CUPA is requesting that this deficiency be considered corrected and complete.

Evaluation Team Response:

The Evaluation Team's review of CERS and documentation submitted by the CUPA shows the following:

- 876 facilities with current business plans in CERS
- 142 facilities with current business plans in the local portal
- 215 (17%) of 1233 business plan facilities do not have current business plans.

The CUPA has made progress in gaining compliance for HMBP submittals. The mailed guidance document to non-compliant facilities has shown a great increase in submittals. The CUPA should continue to follow-up with facilities that are non-compliant with HMBP submittals to ensure compliance. The evaluation team anticipates that this deficiency will be corrected by the next update if the CUPA continues these efforts to gain compliance for HMBP submittals.

Deficiency Progress Update 5:

A review of CERS and the LBFD portal show the following for the date range of January 1, 2016 to present:

- 1,010 facilities with current inventories in CERS
- 103 facilities with current inventories in the local portal (See attached portal documentation)
- 1,113 total facilities with current inventories
- 1,233 total businesses subject to the Business Emergency Plan program.

At this time, 92% (1,113/1,233) facilities have current inventories in CERS.

The Long Beach CUPA is requesting that this deficiency be considered corrected and complete.

Evaluation Team Response:

OSFM's review of CERS and documentation submitted by the CUPA shows the following:

- 893 facilities with current business plans in CERS
- 103 facilities with current business plans in the local portal
- 237 (19%) of 1233 business plan facilities do not have current business plans.

OSFM used the same search method shown in the response to Deficiency Progress Update 2 when determining the number of current business plan submittals in CERS. A copy of a spreadsheet of OSFM's findings have been shared with the CUPA on 2/13/2017. These findings indicate that there has been a slight decrease in submittals since the last update. At this time, this deficiency cannot be considered corrected.

The CUPA should continue to follow-up with facilities that are non-compliant with HMBP submittals to ensure compliance. On the next progress report, provide a narrative status of the CUPA's progress toward correcting this deficiency, including enforcement actions taken to achieve compliance, if any.

3.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	<p>The CUPA is not implementing a consolidated fee accountability program, and is not maintaining sufficient resources to implement the unified program.</p> <p>This is affecting the CUPA's ability to implement the Unified Program fully within the City of Long Beach. A combination of events and actions are collectively the cause of this situation. The CUPA's operations are deficient in the following areas:</p> <ul style="list-style-type: none"> • The CUPA's fee accountability program review and description in the annual Self Audit Report has been based on the budget of the Environmental Health Bureau and has not included the budget programs implemented by the Fire Department. • Single fees collected and earmarked solely for CUPA related activities have been used inappropriately to fund non-CUPA activities. <ul style="list-style-type: none"> ○ The City of Long Beach redirected CUPA dedicated single fee funds to pay for the citywide hazardous materials cleanup contract with Ocean Blue Environmental Services. • The CUPA has not maintained sufficient resources to implement the unified program. <ul style="list-style-type: none"> ○ The CUPA's staffing levels to implement the UST program are not adequate. 	<p>Immediately, the City of Long Beach will cease reallocating CUPA funds to pay for the City's Hazardous Materials Response/Cleanup Projects.</p> <p>By April 25, 2016, the CUPA will have completed a resource analysis. The analysis will take into account and consolidate a description of the activities of the two agencies implementing the CUPA program, and the following:</p> <ul style="list-style-type: none"> • The number and type of regulated businesses in the jurisdiction; • An estimate of the annual number of compliance and complaint inspections; • The time allocation requirements of local agency staff computed on a full-time equivalent basis and not to exceed 1776 work hours per year per person for the following: <ul style="list-style-type: none"> ○ Inspections and the related travel, and research; ○ Inspection and enforcement activities including warnings, notices, meetings, hearings, legal proceedings, and documentation; • Permit activities including application reviews, modifications and revisions, and facility evaluations; • Training including field, meetings, seminars, workshops, courses and literature reviews; • Management including day-to-day operation scheduling and supervision; • Technical staff or contractors to support Unified Program electronic reporting mandates. • An estimate of required staff and supervisory personnel to manage the single fee system, surcharge and fee accountability system;

<ul style="list-style-type: none"> ➤ The CUPA has approximately 166 UST facilities and one primary inspector. ➤ During its file review, State Water Board noticed that in many instances, the UST inspector noted in the file that he was unable to witness the entire UST inspection. ➤ Non-certified staff are accepting UST submittals on behalf of International Code Council (ICC) Certified UST inspection staff to reduce the electronic review time spent by UST Inspectors. ○ The CUPA has maintained a vacancy within its Environmental Health Department CUPA unit for three consecutive years. ○ The CUPA has not been able to meet the inspection frequency for the Aboveground Petroleum Storage Act (APSA) program. ○ Environmental Health staff have been redirected to hand enter data for programs which are implemented by City of Long Beach Fire Department. ○ CUPA staff is unable to pursue formal enforcement unless the City Attorney accepts the cases. 	<ul style="list-style-type: none"> • The number of support staff, both technical and non-technical, for all program elements; • A description of working relationship with local prosecution and law enforcement agencies (i.e., district attorneys, strike force memberships, etc.) <p>By July 25, 2016, the CUPA will use the resource analysis to establish a fee accountability program that will be reviewed annually and updated as necessary. The fee accountability program will take into account and consolidate a description of the activities of the two agencies implementing the unified program and the following:</p> <ul style="list-style-type: none"> • Accounting for the fee schedule, the actual amount billed, and the revenue collected. • Discrete billable services, categorized as either site specific or general. • Staff work hours required to implement the program. • Direct program expenses including durable and disposable equipment. • Indirect program expenses including overhead for facilities and administrative functions. • The number of regulated business in each program element within the jurisdiction. • Quantity and range of services provided, including frequency of inspection. <p>The updated fee accountability program description will be submitted to CalEPA for review.</p> <p>Based on the results of the fee accountability program study, and by August 14, 2016, the CUPA will provide a plan detailing how the CUPA will ensure it has or will acquire sufficient resources to implement the Unified Program. This may require hiring or redirecting additional staff to ensure inspections, enforcement and reporting requirements are met, and modification of fees to ensure recovery of the necessary and reasonable costs to implement the unified program.</p>
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Deficiency Progress Update 1:

The City of Long Beach CUPA does not allocate CUPA funds to be utilized for Hazardous Materials Response/Cleanup Projects any longer. In the past, there were rare isolated incidents where the CUPA funds were used on large spills. The City successfully pursued legal action against the Responsible Party and was substantially reimbursed. The reimbursed funds were allocated back to the CUPA fund. The practice of using CUPA funds for Hazardous Materials Response/Cleanup Projects in the past was never a pervasive practice. Currently, no CUPA funds are to be utilized for cleanups.

Evaluation Team Response:

CalEPA acknowledges that the CUPA no longer uses CUPA funds for Hazardous Materials Response and Cleanup, and that the City recovered the majority of CUPA funds temporarily reallocated for this purpose.

CalEPA looks forward to receiving an update on the completion and findings from the CUPA's resource analysis with the next progress report.

Deficiency Progress Update 2:

An annual fee accountability program including the total CUPA budget (Environmental Health and Fire Department combined) will be initiated and completed by July 25, 2016 and annually thereafter.

We are requesting one additional FTE inspector to be dedicated to the underground and above ground storage tank inspection programs. This will result in a total of 1.3 FTEs total dedicated to the UST inspection program.

The hiring of one additional FTE inspector to assist the primary UST inspector will ensure the majority of UST inspections are witnessed.

The UST inspectors that are ICC certified have been trained and are now accepting UST submittals.

An experienced Hazardous Materials Specialist has been hired for the Environmental Health vacancy and will begin employment in May 2016.

The soon to be filled vacancy for a Hazardous Materials Specialist in the Health Department referenced above is an experienced APSA inspector and will be responsible for inspecting above ground storage tanks at least once every three years until the program is transitioned to the Fire Department.

The Fire Department implements the Hazardous Materials Business Emergency Plan (HMBEP) and UST programs. The facility, program, and tank records have been entered into the Envision Connect (EC) data management system for these two CUPA program elements. HMBEP inspectors have received initial training in EC Remote and UST inspectors are finalizing their electronic inspection checklists. Training for BEP inspectors should be completed by June 2016 and UST inspectors by September 2016 eliminating the need to hand enter data into Envision Connect and or CERS.

The CUPA will focus more on formal enforcement activities in the near future when all staff vacancies and new positions are hired and trained. This will free up CUPA administrative staff that can then more actively pursue formal enforcement activity. In the interim, re-inspection /penalty fees have been increased to 150% of the permit fee after the 2nd inspection and 200% of the permit fee for each subsequent inspection which we expect will assist in achieving more compliance.

The CUPA has a good relationship with the City Prosecutors office and the Long Beach Police Department (LBPD). The Long Beach Fire Prevention Bureau has also participated with both the City Prosecutor and LBPD in numerous joint inspection and enforcement activities.

The Long Beach Health and Fire Departments implement CUPA programs for the following number of regulated businesses and provides the following number of annual compliance inspections (data provided in accordance with the July 1 2014 – June 30, 2015 Report 3).

**CITY OF LONG BEACH CUPA
ANNUAL RESOURCE ANALYSIS SUMMARY**

CUPA PROGRAM	# OF REGULATED BUSINESSES	# OF COMPLIANCE INSPECTIONS
Hazardous Materials Business Emergency Plan	1,250	432
Hazardous Waste Generators	951	249
Aboveground Petroleum Storage	105	39
Underground Storage Tank	165 Facilities / 431 Tanks	167
California Accidental Release Prevention	8	2
Onsite Hazardous Waste Treatment	10	3
TOTAL	2,489 Facilities / 431 UST's	892

The CUPA performs less than 20 annual complaint inspections per year.

To achieve all annual goals and fully implement and oversee the CUPA the Health and Fire Department must maintain the following Full-Time Equivalent (FTE) staff resources for the Activities noted in the table below (next page), calculated on a basis of 1,776 annual work hours.

CITY OF LONG BEACH CUPA FTE STAFF TIME ALLOCATION REQUIREMENTS

Activity	Health Department FTEs	Fire Department FTEs	Total CUPA FTEs
Inspections and Related Travel and Research	1.59	1.62	3.21
Inspection and Enforcement Activities	0.93	1.28	2.21
Permit Activities	0.15	0.94	1.09
Trainings, Meetings, Seminars, etc.	1.10	0.40	1.50
Management and Supervision	0.64	0.26	0.90
Technical Staff and Contractors	0.52	0.00	0.52
Manage the Single Fee System, Surcharge, and Fee Accountability	0.44	0.03	0.47
Support Staff (Technical and Non Technical)	<u>0.88</u>	<u>1.14</u>	<u>2.02</u>
TOTAL FTEs REQUIRED	6.25	5.67	11.92
CURRENT TOTAL FTEs	5.76	5.17	10.93
TOTAL REQUIRED FTEs	0.49	0.50	0.99

The staff time allocation requirements were derived by completing a comprehensive staffing resource analysis of the Health and Fire Department CUPA programs, then consolidating them into a “Total CUPA FTEs” requirement summarized in the table above. **In total, 11.92 FTEs are required to implement and oversee the City of Long Beach CUPA.** Currently, there are 10.93 FTEs dedicated to the Long Beach CUPA, **resulting in the need to increase the Long Beach CUPA staffing by one FTE.**

To address the need for 1.0 full time equivalent, the Long Beach CUPA will request a new position for FY 16-17 dedicated to inspecting underground and above-ground storage tanks. This new position will be requested during the budget process for the next fiscal year (October 1, 2016 – September 30, 2017 for the City of Long Beach) and would be hired within that fiscal year.

Evaluation Team Response:

The CUPA’s resource analysis has addressed all of the items required for the first portion of the corrective action. Additionally, the *City of Long Beach CUPA FTE Staff Time Allocation Requirements* table clearly summarizes the staff work hours required to implement the program. CalEPA recommends including this table in the CUPA’s annual fee accountability update.

CalEPA looks forward to reviewing the CUPA's fee accountability program with the next deficiency progress update report.

Deficiency Progress Update 3:

1. ACTIVITIES OF THE AGENCIES IMPLEMENTING THE UNIFIED PROGRAM

The City of Long Beach Health Department is designated as the administrator of the Long Beach CUPA by CalEPA. The City of Long Beach Health and Fire Departments jointly implement the Unified Program as the Long Beach CUPA. Each department is responsible for oversight of certain program elements.

Health Department Program Elements and Activities

Hazardous Waste Generators: Routine and complaint inspections; re-inspections; enforcement activities; licensing / permitting inspections.

Onsite Hazardous Waste Treatment (Tiered Permitting): Routine and complaint inspections; re-inspections; enforcement activities; licensing / permitting inspections.

CalARP: Routine and complaint inspections; re-inspections; enforcement activities; licensing / permitting inspections.

Above Ground Storage Tanks and Spill Prevention Control and Countermeasure Plan: Routine and complaint inspections; re-inspections; enforcement activities; licensing / permitting inspections.

UST Site Remediation and Mitigation: Review of soil sampling reports; lift removals & upgrades; Site Characterization (Phase II); Site Remediation (Phase III).

Administration: Reporting data to CalEPA; data management; interfacing with CERS; creating and updating billing accounts; overall management and supervision of staff; clerical activities; budget and financial management; CUPA fund oversight.

Fire Department Program Elements and Activities

Hazardous Materials Release Response Plans and Inventory: Routine and complaint inspections; re-inspections; complaint inspections; enforcement activities; licensing / permitting inspections.

Underground Storage Tanks: Routine and complaint inspections; re-inspections; enforcement activities; licensing / permitting inspections; plan check review and inspection; monitoring of installs and removals.

Administration: Data management; interfacing with CERS; creating and updating billing accounts; overall management and supervision of staff; clerical activities; budget and financial management.

Note: The responsibility for the Above Ground Storage Tank program is planned to be transitioned to the Fire Department in the near future.

2. ACCOUNT FOR THE FEE SCHEDULE

The Health and Fire departments regularly review fees and charges as part of the annual budget development process. Any new fees or changes to existing fees are approved by the Department Director, Financial Management - Budget Management Bureau, City Manager, and the City Council.

FY 2015-2016 Fee Schedule: Long Beach CUPA

DEPARTMENT: HEALTH & HUMAN SERVICES			
CUPA FEES			
CUPA: Report Review Oversight / Hourly Supplemental Review	Hourly Fee Charged by Health Dept to Property Owner/Responsible Party for Supplemental Review of Project/Report	\$62	Hour
CALARP State Service Charge	California Accidental Release Prevention (CalARP) program administration (Annual Surcharge)	\$270	Annual Surcharge
Underground Storage Tank State Service Charge	Underground Storage Tank State Service Charge (Surcharge)	\$15	Annual Surcharge
General Program Oversight State Service	General Program Oversight State Service Charge (Surcharge)	\$35	Annual surcharge
CUPA: Above Ground Storage Tank 1.3K-10K Aggregate Gallons	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of above ground storage tanks 1.3k-10k aggregate gallons.	\$130	Per site/aggregate gallons
CUPA: Above Ground Storage Tank 10K-100K Aggregate Gallons	Annual Permit Fee Charged by Health Department to business owner for inspection of above ground storage tanks 10K-100K aggregate gallons.	\$490	Per site/aggregate gallons
CUPA: Above Ground Storage Tank 100K-1M Aggregate Gallons	Annual Permit Fee Charged by Health Department to business owner for inspection of above ground storage tanks 100K-1M aggregate gallons.	\$905	Per site/aggregate gallons
CUPA: Above Ground Storage Tank 1M-10M Aggregate Gallons	Annual Permit Fee Charged by Health Department to business owner for inspection of above ground storage tanks 1M-10M aggregate gallons.	\$2,690	Per site/aggregate gallons
CUPA: Above Ground Storage Tank 10M-100M Aggregate Gallons	Annual Permit Fee Charged by Health Department to business owner for inspection of above ground storage tanks 10M-100M aggregate gallons.	\$8,715	Per site/aggregate gallons

DEPARTMENT: HEALTH & HUMAN SERVICES			
Fee Name	Description	Fee	Per
CUPA FEES			
CUPA: Above Ground Storage Tank 100M +Aggregate Gallons	Annual Permit Fee Charged by Health Department to business owner for inspection of above ground storage tanks 100M +aggregate gallons.	\$12,465	Per site/aggregate gallons
CUPA: Conditional Authorization	Annual Permit Fee Charged by Health Department to Business Owner to Verify Proper Treatment of Hazardous Waste and Closure Cost Estimates	\$2,565	Annual Permit
CUPA: Conditional Exemption, 1st year	Annual Permit Fee Charged by Health Department to Business Owner to Verify Proper Treatment of Hazardous Waste	\$315	First Year, Annually Thereafter
CUPA: Conditional Exemption, renewal	Annual Permit Fee Charged by Health Department to Business Owner to Renew Conditional Exemption Permit	\$135	Annual Permit
CUPA: Each Addl Regulated Matl	Fee Charged to Business Owner for Each Additional Regulated Hazardous Material Introduced into the Facility	\$1,475	Each
CUPA: Haz Waste Producer 0-4 employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 0-4 Employees	\$510	Annual Permit
CUPA: Haz Waste Producer 5-19 employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 5-19 Employees	\$895	Annual Permit
CUPA: Haz Waste Producer 20-100 employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 20-100 Employees	\$1,375	Annual Permit
CUPA: Haz Waste Producer 101-500 employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 101-500 Employees	\$2,435	Annual Permit
CUPA: Haz Waste Producer 501+ employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 501+ Employees	\$3,080	Annual Permit
CUPA: Permit by Rule	Annual Permit Fee Charged by Health Department to Business Owner to Verify Proper Treatment of Hazardous Waste, Closure Costs Estimates, Closure Plan and Financial Assurance	\$2,565	Annual Permit
CUPA: RMP Review, Pgm 1	Fee Charged to Business Owner for Review of Risk Management Plan (RMP) for Tier 1(lowest risk) Facilities	\$2,355	Each
CUPA: RMP Review, Pgm 2/3	Fee Charged to Business Owner for Review of Risk Management Plan (RMP) for Tier 2-3 (moderate-high risk) Facilities	\$3,045	Each
CUPA: Small Quantity Specified Waste	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Small Quantity Specified Waste Facilities	\$235	Annual Permit
CUPA: Site Mitigation Expedite	Fee to expedite site mitigation.	\$245	Hour
CUPA: UST Remedial Overnight Permit - 1st 2 hours	Fee to provide oversight permit.	\$325	1st review (Hourly rate thereafter)

DEPARTMENT: HEALTH & HUMAN SERVICES			
Fee Name	Description	Fee	Per
CUPA FEES			
CUPA: Above Ground Storage Tank 100M +Aggregate Gallons	Annual Permit Fee Charged by Health Department to business owner for inspection of above ground storage tanks 100M +aggregate gallons.	\$12,465	Per site/aggregate gallons
CUPA: Conditional Authorization	Annual Permit Fee Charged by Health Department to Business Owner to Verify Proper Treatment of Hazardous Waste and Closure Cost Estimates	\$2,565	Annual Permit
CUPA: Conditional Exemption, 1st year	Annual Permit Fee Charged by Health Department to Business Owner to Verify Proper Treatment of Hazardous Waste	\$315	First Year, Annually Thereafter
CUPA: Conditional Exemption, renewal	Annual Permit Fee Charged by Health Department to Business Owner to Renew Conditional Exemption Permit	\$135	Annual Permit
CUPA: Each Addl Regulated Matl	Fee Charged to Business Owner for Each Additional Regulated Hazardous Material Introduced into the Facility	\$1,475	Each
CUPA: Haz Waste Producer 0-4 employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 0-4 Employees	\$510	Annual Permit
CUPA: Haz Waste Producer 5-19 employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 5-19 Employees	\$895	Annual Permit
CUPA: Haz Waste Producer 20-100 employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 20-100 Employees	\$1,375	Annual Permit
CUPA: Haz Waste Producer 101-500 employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 101-500 Employees	\$2,435	Annual Permit
CUPA: Haz Waste Producer 501+ employees	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste Producers with 501+ Employees	\$3,080	Annual Permit
CUPA: Permit by Rule	Annual Permit Fee Charged by Health Department to Business Owner to Verify Proper Treatment of Hazardous Waste, Closure Costs Estimates, Closure Plan and Financial Assurance	\$2,565	Annual Permit
CUPA: RMP Review, Pgm 1	Fee Charged to Business Owner for Review of Risk Management Plan (RMP) for Tier 1(lowest risk) Facilities	\$2,355	Each
CUPA: RMP Review, Pgm 2/3	Fee Charged to Business Owner for Review of Risk Management Plan (RMP) for Tier 2-3 (moderate-high risk) Facilities	\$3,045	Each
CUPA: Small Quantity Specified Waste	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Small Quantity Specified Waste Facilities	\$235	Annual Permit
CUPA: Site Mitigation Expedite	Fee to expedite site mitigation.	\$245	Hour
CUPA: UST Remedial Overnight Permit - 1st 2 hours	Fee to provide oversight permit.	\$325	1st review (Hourly rate thereafter)
CUPA: UST Site Characterization, 1st year	Fee Charged by Health Department to Property Owner for Review of Site Characterization Plan	\$505	First Review, Hourly Rate Thereafter
CUPA: UST Remedial Oversight, annually	Fee Charged by Health Department to Property Owner for Maintaining Oversight and Maintaining Files on UST Sites During Remediation	\$350	Annually
CUPA UST Removal Report Review	Fee charged to property owner for review of UST Removal report	\$270	1st Review (Hourly rate thereafter)
CUPA: X-ray Machine Silver Halide Generator	Annual Permit Fee Charged by Health Department to Business Owner for Inspection of Hazardous Waste from X-Ray Machines	\$98	Annual Permit
CUPA: Late Payment Penalty	Fee Charged by Health Department for Late Payment on Health Permit (25% of original fee)	25% of original fee	Each
CUPA: Reinspection Fee	Fee Charged by Health Department for Additional Inspections when Corrections are not Completed	\$205	Each
File copies	Fee for document copies-per page	\$0.20	Per Page
Aboveground Petroleum Storage Act Surcharge	Fee Charged by Health Department to accommodate CALEPA (pass-through) surcharge	\$26	Each

DEPARTMENT: FIRE			
Fee Name	Description	Fee	Per
PLAN CHECKS - FIELD INSPECTIONS - CERTIFICATES			
Special Systems Plan Check - Vapor Recovery Systems (CUPA)	Architects/Engineers/Contractors/Owners pay for the review of plans for fire and life safety compliance. Vapor recovery systems requiring Fire Department approval.	\$770.00	Application
FLAMMABLE AND OTHER HAZARDOUS LIQUID STORAGE TANKS			
Underground Storage Tank Plan Check (CUPA)	Engineers/Contractors/Owners pay for the review of plans for fire and life safety compliance. Underground storage tanks - installation, repair, removal or approved abandonment, first tank.	\$1,140 + \$570 per add'l tank	Application
DEPARTMENT: FIRE			
Fee Name	Description	Fee	Per
FLAMMABLE AND OTHER HAZARDOUS LIQUID STORAGE TANKS			
Underground Storage Tank Piping Plan Check (CUPA)	Engineers/Contractors/Owners pay for the review of plans for fire and life safety compliance. When not in conjunction with underground storage tank in PC-07 A referenced above; repair, replacement or removal at the same location by street address.	\$1,005.00	Application
Underground Storage Tank Monitoring Wells Plan Check (CUPA)	Engineers/Contractors/Owners pay for the review of plans for fire and life safety compliance. Installation or removal.	\$1,165 + \$505 per add'l well	Application
MISCELLANEOUS			
Plan review resubmittal on the 3rd and each subsequent inspection (1hr min) with supervisor approval. (CUPA)	Plan review resubmittal on the 3rd and each subsequent inspection (1hr min) with supervisor approval.	\$110.00	Hour, minimum billing 1 hour
Plan review of revisions to originally approved plans with supervisor approval. (CUPA)	Plan review of revisions to originally approved plans with supervisor approval.	\$110.00	Hour, minimum billing 1 hour
Accelerate plan review (work performed after hours - 2 hr min) with supervisor approval. (CUPA)	Accelerate plan review (work performed after hours - 2 hr min) with supervisor approval.	\$110.00	Hour, minimum billing 2 hours
Off-Hour Inspections (CUPA)	Inspections performed off normal work hours - 2 hr minimum	\$110.00	Hour, minimum billing 2 hours
ANNUAL FIRE PERMITS			
Flammable and combustible liquids -storage, handling, and/or use - Underground storage. (CUPA)	Owners/Tenants pay for the inspection of their operation. Per tank, piping and vapor recovery system.	\$665.00	Annual Permit
Aircraft Fueling Station/System with Underground Storage Tanks (CUPA)	Business operators pay for the inspection of their operation.	\$345.00	Annual Permit
Auto Fueling Station (CUPA)	Business operators pay for the inspection of their operation.	\$590.00	Annual Permit
Marine Service Station with Underground Storage Tanks (CUPA)	Business operators pay for the inspection of their operation.	\$345.00	Annual Permit
SPECIAL ACTIVITIES AND EVENTS - ONE TIME PERMITS			
Tanks out of service - To place out of service an underground tank (CUPA)	Business operators pay for the inspection of their operation.	\$345.00	Event

MISCELLANEOUS PERMITS AND FEES			
1st Reinspection - Non Compliance with HazMat / BEP / UST (CUPA)	Owners/operators are assessed for failing to comply with Haz Mat, BEP and/or UST inspection or failing to comply with violation notice.	\$0	Reinspection
2nd Reinspection - Non Compliance with HazMat / BEP / UST (CUPA)	Owners/operators are assessed for failing to comply with Haz Mat, BEP and/or UST inspection or failing to comply with violation notice.	\$220	Reinspection
3rd and each subsequent Reinspection - Non Compliance with HazMat / BEP / UST (CUPA)	Owners/operators are assessed for failing to comply with Haz Mat, BEP and/or UST inspection or failing to comply with violation notice.	\$440	Reinspection
QUANTITY RANGES & PERMIT FEES FOR HAZARDOUS MATERIALS DISCLOSURE PROGRAM			
California Administrative Code, Title 9, California Health and Safety Code Chapter 6.95, Section 25505 (C) & (D) and Long Beach Ordinance C-6228			
Range 1- Minor (CUPA)	Business operators pay for the inspection of their operation. Quantities 500-5,000, basis of measures lbs./solids; 55-550, basis of measures Gal./Liquids; 200-2,000 basis of measures Cu.Ft./Gases.	\$225.00	Inspection
Range 2 - Moderate (CUPA)	Business operators pay for the inspection of their operation. Quantities 5,001-25,000, basis of measures lbs./solids; 551-2,750, basis of measures Gal./Liquids; 2,001-10,000, basis of measures Cu.Ft./Gases.	\$320.00	Inspection
Range 3 - Major (CUPA)	Business operators pay for the inspection of their operation. Quantities 25,000+, basis of measures lbs./solids; 2,751+, basis of measures Gal./Liquids; 10,001+ basis of measures Cu.Ft./Gases.	\$485.00	Inspection
Extraordinary Sites (CUPA)	Business operators pay for the inspection of their operation. *Subject to discretion of Fire Chief and/or requiring more than 8 hours of bureau work-hours per inspection cycle (See the Hazardous Materials Inspector for fees.)	\$840.00	Inspection
Carbon Dioxide (CUPA)	Business operators pay for the inspection of their operation. Quantities 200-1000 Cu.Ft of Carbon Dioxide Gas	\$30	Inspection

3. THE ACTUAL AMOUNT OF FEE REVENUE BILLED: \$1,540,137

The actual amount of single fee billed from 07/01/15 – 06/30/16 by type is:

	CUPA BILLED	
	7/1/15-6/30/16	DEPARTMENT
HC0400 (UST)	279,741	FIRE
HC0500 (HAZMAT)	507,318	FIRE
HC0600 (HAZGEN)	637,243	HEALTH
HC0700 (CalARP)	9,135	HEALTH
HC0800 (FD UST)	76,065	FIRE
HC1500 (SPCC)	30,635	HEALTH
Subtotal Fire	863,124	
Subtotal Health	677,013	
Total	1,540,137	

4. AMOUNT OF FEE REVENUE COLLECTED: \$1,569,344

The actual revenue collected from 07/01/15 – 06/30/16 by type is:

	CUPA COLLECTED	
	7/1/15-6/30/16	DEPARTMENT
HC0400 (UST)	280,951	FIRE
HC0500 (HAZMAT)	509,725	FIRE
HC0600 (HAZGEN)	668,563	HEALTH
HC0700 (CalARP)	12,145	HEALTH
HC0800 (FD UST)	67,456	FIRE
HC1500 (SPCC)	30,505	HEALTH
Subtotal Fire	858,131	
Subtotal Health	711,213	
Total	1,569,344	

The total amount collected is higher than the amount billed due to late payments from previous billings and penalties on late payments.

5. DISCRETE BILLABLE SERVICES (SITE SPECIFIC OR GENERAL)

The majority of revenue collected by the Long Beach CUPA is for annual health permits for facilities in one or more CUPA program elements. These facilities receive regular routine inspections, complaint inspections, and other miscellaneous services related to their health permit. Additional revenue is generated by billable services, such as UST plan checks, site remediation oversight, re-inspection and other enforcement fees, late payment penalties, and other miscellaneous revenues.

Site Specific Billable Services / Fee for Service Amount / Fire or Health Department

Report Review / \$62 per hour / Health

UST / AST Plan Check / various fees / Fire

UST Plan Review Resubmittal (3rd and ea. subsequent inspection) / \$110 per hour / Fire

UST Plan Review of Revisions / \$110 per hour / Fire

UST Plan Accelerated Review / \$110 per hour / Fire

Off-Hour Inspections / \$110 per hour / Fire

UST Tank Out of Service / \$345 per event / Fire

General Billable Services, Penalties, Surcharges

Reinspection Fee / \$205 / Health

1st Reinspection / \$0 / Fire

2nd Reinspection / \$220 / Fire

3rd and each Subsequent Reinspection / \$440 / Fire

6. STAFF WORK HOURS AND FULL COSTS REQUIRED TO IMPLEMENT THE PROGRAM

The following are proposed budgeted expenditures for fiscal year 2016-17 to best address whether or not fee revenue will provide sufficient revenue to cover the proposed expenditures. The City of Long Beach fiscal year is from October 1 – September 30 of each year. Work hours are based on 1,776 of actual working hours per position per year multiplied by the FTE charged to the CUPA program. Full costs for staff positions are calculated using 2,088 hours to include all annual paid hours.

Fire Department Budgeted Work Hours: 10,070 (5.67 FTE x 1,776 work hours)
Health Department Budgeted Work Hours: 11,100 (6.25 FTE x 1,776 work hours)
TOTAL CUPA STAFF WORK HOURS: 21,170 (11.92 FTE)

Fire Department Full Budgeted Staff Costs: \$ 815,040
Health Department Full Budgeted Staff Costs: \$ 683,811
Total CUPA Full Staff Costs: \$1,498,851

7. DIRECT PROGRAM EXPENSES INCLUDING DURABLE AND DISPOSABLE EQUIPMENT

Fire Department
Materials, Supplies, and Services: \$23,733
Equipment, Technology, Fleet, Etc.: \$153,723
Subtotal Direct Program Expenses: \$177,456

Health Department
Materials, Supplies, and Services: \$100,958
Equipment, Technology, Fleet, Etc.: \$ 39,546
Subtotal Direct Program Expenses: \$140,504

Total CUPA Direct Program Expenses: \$317,960

8. INDIRECT PROGRAM EXPENSES INCLUDING OVERHEAD FOR FACILITIES AND ADMINISTRATIVE FUNCTIONS

Departmental Indirect / Overhead: \$100,768
Citywide Indirect / Overhead \$ 31,746
Total CUPA Indirect / Overhead \$132,494

TOTAL EXPENSES* (FY 16-17 PROJECTED) TO IMPLEMENT THE CUPA: \$1,949,305

TOTAL BUDGETED REVENUE FY 15-16, CURRENT FEE STRUCTURE:

\$1,607,180

ESTIMATED REVENUE SHORTFALL FY 16-17: \$
342,125

*See "Notes on Financial Figures" at Page 9 for further information including a discussion of the plans to address the revenue shortfall.

9-10. THE NUMBER OF REGULATED BUSINESSES IN EACH PROGRAM ELEMENT, AND QUANTITY AND RANGE OF SERVICES PROVIDED, AND FREQUENCY OF SERVICES

CUPA PROGRAM ELEMENT	# OF REGULATED BUSINESSES	# OF COMPLIANCE INSPECTIONS / FREQUENCY	OTHER SERVICES
Hazardous Materials Business Emergency Plan	1,250	432 / Every 3 Years	<u>Inspections:</u> Re- inspection, complaint, licensing, permit due, consultation. <u>Other:</u> Research, survey, out of business, report review.
Hazardous Waste Generators	951	249 / Every 3 Years	<u>Inspections:</u> Re- inspection, complaint, licensing, permit due, consultation. <u>Other:</u> Research, survey, out of business, report review, certificate of compliance review
Aboveground Petroleum Storage	105	39 / Every 3 Years	<u>Inspections:</u> Re- inspection, complaint, licensing, permit due, consultation. <u>Other:</u> Research, survey, out of business, report review, certificate of compliance review
Underground Storage Tank	165 Facilities / 431 Tanks	167 / Every Year	<u>Inspections:</u> Re- inspection, complaint, licensing, removal, permit due, consultation. <u>Other:</u> Plan check, research, survey, out of business, report review, certificate of compliance review

California Accidental Release Prevention	8	2 / Every 3 Years	<u>Inspections:</u> Re- inspection, complaint, licensing, permit due, consultation. <u>Other:</u> Research, survey, out of business, report review, certificate of compliance review
Onsite Hazardous Waste Treatment	10	3 / Every 3 Years	<u>Inspections:</u> Re- inspection, complaint, licensing, permit due, consultation. <u>Other:</u> Research, survey, out of business, report review, certificate of compliance review
TOTAL	2,489 Facilities / 431 UST's	892 Compliance Inspections Per Year	

NOTES ON FINANCIAL FIGURES

Expenditure values are provided as budgeted expenses for the upcoming FY 16-17 fiscal year (October 1, 2016 through September 30, 2017)

Revenue values are provided as budgeted revenue for FY 15-16 (the current fiscal year).

Expenditure and revenue values were displayed in this manner to show if our current budgeted fee revenue is sufficient to implement next fiscal year's budgeted expenditures for the Long Beach CUPA. If the current budgeted revenue is greater than next fiscal year's budgeted expenditures, then no action would be required regarding fees. If current budgeted revenue is less than next fiscal year's budgeted expenditures, then action would be required regarding the CUPA fees.

Plan for Addressing the Estimated Revenue Shortfall of \$342,145

During our annual budgeting process we identified this shortfall which is due to: 1) Our CUPA Staffing Resource Analysis identified a need for additional FTE's to implement our Unified Program; 2) Our departmental overhead budget was only partially covering indirect/overhead costs; and 3) Minor increases to direct program expenses.

The Long Beach CUPA will use a five year plan of fee increases to change the revenue shortfall to a revenue surplus by fiscal year 20-21. Fees are proposed to be increased as follows: FY 16-17 +4.0%; FY 17-18 +4.0%; FY 18-19 +5.0%; FY 19-20 +5.0%; and FY 20-21 +6.0%. This cumulative fee increase of 25.20% will offset the increase in costs recognized during our budget process for FY 16-17 and estimated cost of living increases for the remaining four fiscal years. There are sufficient reserves in our CUPA fund to cover expenditures until annual fee revenue fully offsets annual expenditures as anticipated in FY 20-21.

The Staffing Resource Analysis and the Fee Accountability exercises will be completed annually and adjustments made to the five year fee increase plan, as needed.

Evaluation Team Response:

This deficiency is corrected.

The CUPA has completed a thorough resource analysis and fee accountability program review. CalEPA commends the CUPA for completing such a detailed integrated analysis of the resource needs and fee accountability of two otherwise independent City Departments. CalEPA recommends that the CUPA include a synopsis of the analysis and review in its annual self audit report, review view the complete fee accountability program annually, and update the synopsis in the self audit report annually.

The addition of one FTE is accepted as the CUPA's plan to ensure enough staff are available to implement the program. CalEPA further accepts the CUPA's plan to use a current surplus to offset the projected shortfall resulting from the added position and changes in overhead while fees are increased incrementally over the next five years.

Deficiency Progress Update 4: No update required.

Evaluation Team Response: N/A – Deficiency has been corrected.

4.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not reporting inspection, violation, and enforcement information electronically for each program element to CalEPA on a quarterly basis.</p> <p>The City has hired an Information Technology (IT) Program Manager to assist the CUPA as they transition to electronic documentation, and reporting using Envision Connect. The IT Program manager will continue to assist as the CUPA uploads inspection, violation, and enforcement data from the Envision Database to CERS, and consolidate data from the Environmental Health Bureau and Fire Department.</p>	<p>The CUPA will continue entering inspection, violation, and enforcement data for all paper inspection reports on file since July 1, 2013.</p> <p>Beginning January 25, 2016, with the first update progress report, the CUPA will provide a narrative update of its progress towards correcting this deficiency. Each narrative will include:</p> <ul style="list-style-type: none"> • an update of the CUPA's progress in entering paper inspection reports, violations, and associated enforcements; • Its progress towards migrating electronic data from its envision connect database to CERS.

	<p>CUPA staff from Environmental Health have been redirected to enter data for the business plan and UST inspections, which are implemented by the Fire Department. The CUPA has been testing electronic inspections for Hazardous Waste and APSA inspections.</p>	<p>By April 25, 2016, the CUPA will upgrade their envision connect software to version 5.3, the minimum version needed to exchange data with CERS.</p> <p>By August 25, 2016, the CUPA will have completed its database integration with CERS.</p>
<p>Deficiency Progress Update 1:</p> <p>The inspection and violation data for all paper inspections (Fire Department - Underground Storage Tank and Business Emergency Plan) has been manually entered and is up-to-date in CERS. The inspection and violation data for all electronic inspections (Health Department – HWG, TP, CalARP and APSA) are up-to-date in Envision Connect (EC). The upload process is scheduled to begin in April/May 2016.</p> <p>The enforcement data is approximately 50% input to CERS for all programs. Many outstanding enforcement actions that were input into CERS that have been resolved/closed have been updated in CERS. The CUPA will continue to manually input this data until inspectors in all programs are electronically entering the enforcement data into EC.</p>		
<p>Evaluation Team Response:</p> <p>CalEPA’s review of CERS supports the CUPA’s update. Since the evaluation, the CUPA has entered UST inspections and additional Business Plan inspections. Inspections for the HWG, CalARP and APSA programs are not available in CERS.</p> <p>With the next deficiency progress report, please provide an update on the status of uploading inspection, and enforcement data for all programs. Please include any issues that may be found while uploading electronic inspections from Envision Connect and a description of how the CUPA is managing inspection data that the CERS Integration Wizard does not upload to CERS due to error.</p>		
<p>Deficiency Progress Update 2:</p> <p>The inspection, violation and enforcement data for all paper inspections (Fire Department – Underground Storage Tank and Business Emergency Plan) has been manually entered and is up-to-date in CERS. The inspection, violation and enforcement data for all electronic inspections (Health Department – HWG, TP, CalARP and APSA) are up-to-date in Envision Connect (EC).</p> <p>The upload process is in progress. Envision Connect has been upgraded to version 5.3 in both test and production. An Accela CERS Integration expert has been engaged to assist with the upload process. Potential issues are being identified and resolved (duplicate CERS IDs, missing CERS IDs, etc.). CalEPA has been requested to provide direction regarding historical data, inactive facilities with past submittal data, etc. The LBFD CUPA portal will be sunset in Summer 2016.</p>		

Evaluation Team Response:

CalEPA's review of CERS supports the CUPA's update. Since the evaluation, the CUPA has entered UST inspections and additional Business Plan inspections. Inspections for the HWG, CalARP and APSA programs are not available in CERS.

Inspection, violation and enforcement data is required to be submitted for inspections that occurred on or after 7/1/2013 forward. If there is any inspection data housed in the portal please ensure that it is transferred, or entered into CERS if the inspection, violation, or enforcement date is more recent than 7/1/2013. Please include data for any inactive business that was active between 7/1/2013 and the present day.

Deficiency Progress Update 3:

The project to upload Envision Connect data to the CERS system is in the testing phase. Duplicate records in Envision Connect has been resolved. A new version of Accelas's CERS Integration Wizard (CIW) has been installed and configured. Testing has begun with CERS Staging (TEST environment).

The following issues are impacting the schedule:

- The new version of CIW introduced a new duplicate data issue and a solution has not been identified.
- The Accela staff assigned to the project are on vacation for next 3 weeks. Troubleshooting will resume upon their return.

This has impacted the project schedule by 6 weeks, so project completion is now targeted for mid-fall.

Evaluation Team Response:

CalEPA appreciates the CUPA's candor in detailing the issues in meeting the timeline to correct this deficiency.

With the next update report, please provide an update detailing the CUPA's success in transferring records, and if applicable the hindrances the CUPA continues to experience.

If is not completed by the October 25, 2017 update report, please include a revised timeline for completion. Please include any steps/benchmarks the CUPA will need to achieve in order to complete the transfer of inspection, violation, and enforcement data. The revised timeline will allow CalEPA to review the CUPA's continued progress should additional complications arise.

Deficiency Progress Update 4:

The Long Beach CUPA reports that since the last audit, the following milestones have been achieved:

- The CERS Integration Wizard has been installed in the Production environment in mid-October 2016.
- The Long Beach CUPA has been successfully uploading CME data (7/1/2013 to current) to CERS.
- It has been confirmed that the data is being received by CERS.
- There are additional challenges in the Production environment and as exceptions are found, they are being addressed on a case-by-case basis.
- Target completion of submitting all data and resolving errors is 11/30/2016.
- Data will be submitted every 30 days going forward.

The Long Beach CUPA would like this deficiency to be considered corrected and complete.

Evaluation Team Response:

The CUPA has made progress during this update period. CalEPA's review of CERS found that inspections for the Business Plan, UST inspections are consistently being uploaded to CERS and CME data from 7/1/2013 has been uploaded. Review of Hazardous Waste including RCRA LQG and Tiered Permitting as well as APSA and CalARP data indicate that inspections are not being transferred for all program elements on a quarterly basis. Many Hazardous Waste inspections have been uploaded as other inspections. Due to the number Hazardous Waste "routine" inspections may be incorrectly uploading to CERS as "other" inspections. Inspections for RCRA LQG, Tired Permitting, APSA and CalARP facilities are not uploading to CERS.

Please continue to provide updates that detail the progress the CUPA has made in entering data from hard copy inspection reports from 7/1/2013 and uploading CME data to CERS for the Hazardous Waste including RCRA LQG and Tiered Permitting facilities, as well as APSA, and CalARP facilities.

Deficiency Progress Update 5:

The CIW tool has not been functioning since mid-November due to City of Long Beach networking issues. As of January 17, 2017, the proxy server issues were resolved and the networking issue with the CIW tool was resolved. All remaining inspections are scheduled to be uploaded using the CIW tool by February 15, 2017.

Evaluation Team Response:

Review of CERS indicates that the CUPA has begun to enter CME data, but the number of inspections reported to CERS appear to be low. Review of the CUPA's FY 2013/2014 self audit report submitted for the last evaluation indicates that significantly more inspections were conducted during that fiscal year than were reported to CERS.

It is difficult to piece together the CUPA's progress towards integrating their database with CERS and the reporting of CME data.

Please continue to provide updates that detail the progress the CUPA has made in entering data from hard copy inspection reports from 7/1/2013 and uploading CME data to CERS for the Hazardous Waste including RCRA LQG and Tiered Permitting facilities, as well as APSA, and CalARP facilities.

5.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not inspecting APSA tank facilities at least once every three years.</p> <p>In their Inspection and Enforcement (I & E) plan, the CUPA has stated that all APSA tank facilities will be inspection triennially, not just those with an aggregate total of petroleum in aboveground tanks greater or equal to 10,000 gallons.</p>	<p>By April 25, 2016, the CUPA will prepare, and provide to CalEPA, a list of the APSA facilities that have not been inspected within the last three years. The CUPA will also develop and submit a schedule for completing these overdue inspections, prioritizing the inspections based on the volume of petroleum and greatest time since last inspection.</p> <p>With each Deficiency Progress Report, the CUPA will update the list of facilities to include dates the facilities were inspected. The CUPA will continue to submit a list until inspections are consistently uploaded to CERS.</p>

<p>The CUPA has inspected approximately 28% of its APSA facilities within the last 3 fiscal years.</p> <p>FY 2014/2015: 42 of 102 facilities inspected.</p> <p>FY 2013/2014: 7 of 102 facilities inspected.</p> <p>FY 2012/2013: 5 of 96 facilities inspected</p> <p>54</p> <p>FY 2011/2012: 15 of 94 facilities inspected.</p>	
<p>Deficiency Progress Update 1:</p> <p>For FY 2014/2015, 42/102 (41%) facilities inspected which raises the inspection rate to 54/102 (53%) within the last 3 fiscal years. The hiring and addition of a field inspector for Health HazMat in 2016 will also increase the number of facilities inspected. Interviews are scheduled for the 1st week in February with an anticipated hire date by April 2016. In addition, staff attended APSA Program Refresher Training, one in Anaheim on October 26/27, 2015 and one in Riverside on November 11, 2015. All APSA inspections are input in Envision Connect. The upload process is scheduled to begin in April/May 2016. A list of the APSA facilities that have not been inspected within the last years three years has been provided.</p>	
<p>Evaluation Team Response:</p> <p>The CUPA made substantial progress toward inspecting APSA facilities in FY 2014/2015. The CUPA now has a current inspection date for over half of its APSA facilities. The CUPA's list shows 52 APSA facilities that have not been inspected. Please continue efforts to correct this deficiency by inspecting the remaining 52 APSA facilities. On the next progress report, please provide a narrative update on the status of this deficiency and update the list of APSA facilities to include current inspection dates, unless CME data have been uploaded to CERS. New CUPA staff must take the APSA inspector training program and pass the exam before conducting inspections at APSA facilities that store 10,000 gallons or more of petroleum.</p>	
<p>Deficiency Progress Update 2:</p> <p>No APSA inspections have been conducted since the last progress report due to inspector vacations, sick time, short-term special projects and a vacant staff position. The Long Beach CUPA expects this to improve by the next progress report. A new CUPA APSA certified inspector is scheduled to begin work in mid-May. This will help alleviate the workload of the inspectors.</p>	
<p>Evaluation Team Response:</p> <p>The CUPA has not made progress toward correcting this deficiency since the last update, due to limited staffing resources; however, the CUPA expects to have a new inspector begin working in mid-May.</p> <p>In the next progress report, please provide a narrative update on the status of this deficiency including a schedule for completing overdue inspection now that a new APSA inspector is onboard and update the list of APSA facilities to include current inspection dates, unless CME data have been uploaded to CERS.</p>	

Deficiency Progress Update 3:

A new inspector has been hired to fill a vacant inspection staff position that conducts hazardous waste, APSA and Tiered Permit inspections. As a result, inspection staff has been able to conduct 18 routine inspections of APSA facilities in June/July 2016. The current inspection rate is 68/106 (64%) (attachment). The Long Beach CUPA will continue to conduct APSA routines to reach 100%.

Evaluation Team Response:

A review of the list provided by the CUPA shows that 68 (68%) of 100 facilities have a current inspection. CERS data for these inspections have not been uploaded to CERS. Please continue inspection efforts until all APSA facilities have a current inspection. On the next progress report, provide a narrative update on the status of this deficiency, including an updated list of inspections and have CME data uploaded to CERS so that OSFM can cross-reference the inspection data.

Deficiency Progress Update 4:

A review of the APSA program shows the following:

- 83 routines (November 1, 2013 to November 4, 2016) See attached APSA spreadsheet – 4 pages.
- 111 total APSA facilities
- 75% (83/111) APSA facilities have had a routine within the mandated 3-year frequency.

The LBFD CUPA will be hiring a new Plan Checker/Inspector - APSA early next year. At that time, the APSA program will be transferred from the CUPA Health Department to the CUPA Fire Department. The inspector's duties will include both Aboveground Petroleum Storage Tank and Underground Storage Tank. It is anticipated that the APSA program will be in compliance with the 3-year mandated routine frequency by late 2017/early 2018.

Evaluation Team Response:

The CUPA has made progress in correcting this deficiency. The list provided by the CUPA shows that 83 (80%) of 104 facilities have been inspected within the last three years. The CUPA should continue with these inspection efforts to ensure that all APSA facilities are inspected at least once every three years. On the next progress report, please provide a narrative update on the status of this deficiency and include an updated list of APSA facilities with current inspection dates, unless CME data have been uploaded to CERS.

Deficiency Progress Update 5:

A detailed review of the APSA program shows the following (see attached documentation):

- 112 total APSA facilities
- 73 APSA facilities are 1,320 to 10,000 gallons with no mandated routine inspection requirement. However, 55/73 (75%) have had a routine inspection within the last 3 years.
- 39 APSA facilities are more than 10,000 gallons with a mandated 3-year routine inspection requirement. 34/39 (87%) have had a routine inspection within the last 3 years.

The Long Beach CUPA would like this deficiency to be considered corrected and complete.

Evaluation Team Response:

The CUPA is making progress in correcting this deficiency. At this time, this deficiency cannot be considered corrected because the list provided by the CUPA shows that 86 (81%) of 106 facilities have been inspected within the last three years.

The CUPA should continue with inspection efforts to ensure that all APSA facilities are inspected at least once every three years. On the next progress report, please provide a narrative update on the status of this deficiency and include an updated list of APSA facilities with current inspection dates, unless CME data have been uploaded to CERS.

6.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	<p>The CUPA is unable to transfer or exchange electronic data submitted by regulated businesses to CERS using the data exchange technical specifications provided by CalEPA.</p> <p>The CUPA is considering all options in order to determine how to proceed in ensuring submittals are transmitted to CERS. The CUPA may choose to maintain a portal or have businesses upload submittals into CERS directly.</p>	<p>By January 25, 2016, the CUPA will provide a narrative update to CalEPA discussing a final decision on whether or not to maintain a portal, and outline a schedule establishing a method for successful data exchange.</p> <p>Beginning with the January 25, 2016 update and continuing with each quarterly update, the CUPA will provide a detailed analysis of their progress in ensuring submittals are uploaded to CERS.</p>

Deficiency Progress Update 1:

All businesses are being referred to CERS for electronic submittals. The BEP inspection report has been revised to reference the CERS website for submittals. The Long Beach CUPA is targeting the April/May 2016 to begin the process of a successful data exchange and sunset the CUPA portal.

Evaluation Team Response:

CalEPA acknowledges that the CUPA intends to sunset the CUPA portal and a target date for April/May to begin exchanging submittal element data. The CUPA has not identified a method or schedule for data exchange other than the beginning target date.

Once the process of transmitting submittal data begins, please outline a schedule and method for exchanging data with the detailed analysis of the process of ensuring submittals are uploaded to CERS.

Deficiency Progress Update 2:

The upload process is in progress. Envision Connect has been upgraded to version 5.3 in both test and production. An Accela CERS Integration expert has been engaged to assist with the upload process. Potential issues are being identified and resolved (duplicate CERS IDs, missing CERS IDs, etc.). CalEPA has been requested to provide direction regarding historical data, inactive facilities with past submittal data, etc. The LBFD CUPA portal will be sunset in Summer 2016.

Evaluation Team Response:

The CUPA has not complied with the corrective action.

The CUPA is making progress towards ensuring submittals are transferred, but has not yet outlined a schedule for proceeding through this process.

CalEPA's review of CERS found that 150 of 155 (96%) UST facilities have uploaded UST submittals to CERS. 8 facilities have uploaded tiered permitting submittals; this represents 100% of tiered permitting facilities. 631 of the 953 (66%) businesses plans submitted within the last year have been uploaded to CERS.

CalEPA provided direction regarding historic data in an email to Michelle Kimura on June 6, 2016. Within the email, CalEPA stated the following:

- The data collected in the Long Beach Portal must be kept in accordance with your City of Long Beach retention policy and in accordance with state requirements. Once the CUPA can confirm that the data in the portal has been transferred to CERS there is no need to keep the data in the Long Beach portal. The CUPA can also choose to maintain the data locally on your portal or in some other mechanism in accordance with your retention policy.
- Please upload all data submitted since January 2013.

Deficiency Progress Update 3:

The project to upload Envision Connect data to the CERS system is in the testing phase. Duplicate records in Envision Connect has been resolved. A new version of Accela's CERS Integration Wizard (CIW) has been installed and configured. Testing has begun with CERS Staging (TEST environment).

The following issues are impacting the schedule:

- The new version of CIW introduced a new duplicate data issue and a solution has not been identified.
- The Accela staff assigned to the project are on vacation for next 3 weeks. Troubleshooting will resume upon their return.

This has impacted the project schedule by 6 weeks, so project completion is now targeted for mid-fall.

Evaluation Team Response:

CalEPA appreciates the CUPA's candor in detailing the issues in meeting the timeline to correct this deficiency.

With the next update report, please provide an update detailing the CUPA's success in transferring submittals, and if applicable the hindrances the CUPA continues to experience.

If is not completed by the October 25, 2017 update report, please include a revised timeline for completion. Please include any steps/benchmarks the CUPA will need to achieve in order to complete the transfer of submittals. The revised timeline will allow CalEPA to review the CUPA's continued progress should additional complications arise.

Deficiency Progress Update 4:

The Long Beach CUPA reports that since the last audit, the following milestones have been achieved:

- The CERS Integration Wizard has been installed in the Production environment in mid-October 2016.
- The Long Beach CUPA has been successfully uploading CME data (7/1/2013 to current) to CERS.
- It has been confirmed that the data is being received by CERS.
- There are additional challenges in the Production environment and as exceptions are found, they are being addressed on a case-by-case basis.
- Target completion of submitting all data and resolving errors is 11/30/2016.
- Data will be submitted every 30 days going forward.

The Long Beach CUPA would like this deficiency to be considered corrected and complete.

Evaluation Team Response:

This deficiency is considered corrected. CalEPA's review of CERS finds that the CUPA's submittals uploaded and transferred to CERS are consistent with the number of current submittals disclosed by the CUPA for the business plan program and over 94% for the UST program.

Deficiency Progress Update 5: No update required.

Evaluation Team Response: N/A – Deficiency has been corrected.

7.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	<p>CUPA personnel that have not been certified through the International Code Council (ICC) as California UST Inspectors are accepting electronic UST submittals.</p> <p>A review of CERS shows a non- ICC certified staffer accepted 80 out of 80 UST submittals.</p> <p>Note: As described in the Frequency Asked Question (FAQ) regarding who can "Accept" or "Not Accept" UST electronic submissions, from this point forward, all staff who "Accept" or "Not Accept" UST CERS submissions shall be certified by ICC as California UST Inspectors. The FAQ also points out that non-ICC staff may only change a submittal from "Submitted" to "Under Review".</p>	<p>By January 25, 2016, the CUPA will develop and submit to CalEPA a procedure for the acceptance of electronic UST submittals.</p> <p>For data already accepted by the CUPA in CERS, no later than the next annual UST facility compliance inspection the CUPA will review UST related fields and ensure the information is complete and accurate for the tank system for each facility.</p>

Deficiency Progress Update 1:

The Underground Storage Tank Inspection Program procedure has been revised to include the procedure for the acceptance of electronic UST submittals and has been provided.

For UST data already accepted by the CUPA in CERS by non-ICC Certified staff, an ICC Certified Inspector has reviewed the UST related fields, ensured the information is complete and accurate and accepted/not accepted the data, as necessary.

This deficiency is requested to be closed as the above response meets the requirements of the corrective action.

Evaluation Team Response:**State Water Board**

Deficiency is corrected.

State Water Board acknowledges the CUPA's Deficiency Progress Update 2 and attached policy and procedure 00-11P Underground Storage Tank Inspection Program dated January 29, 2016. Our review of the submitted policy and procedure finds it acceptable as it contains language on training inspection staff how to use CERS including how to provide assistance to regulated business for submitting required information to CERS and, time frames for when staff are required to respond to UST CERS submittals. Our review of accepted CERS UST submittals finds, ICC UST certified staff are addressing UST electronic submittals and therefore find the deficiency corrected.

Deficiency Progress Update 3: No update required.

Evaluation Team Response: N/A – Deficiency has been corrected.

8.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	<p>The CUPA is not fully implementing the elements of their I & E Plan. For example:</p> <ul style="list-style-type: none">• The CUPA is not implementing an administrative enforcement process when the City Attorney decides not to accept a case (page 11, Section VII. A. 2).• The CUPA is not mailing a Notice of Non-Compliance to UST facilities following a compliance inspection (page 23, Section VII. E. 4) – no notices were found in the UST facility files.• The CUPA is not pursuing formal enforcement when warranted. Page 23 Section VII. E. 4 of the I & E Plan states that, "If compliance is not accomplished within the given time frame, civil or	<p>By January 25, 2016, the CUPA will revise and submit to CalEPA it's I & E Plan to ensure consistency between the I & E Plan and program implementation. The Environmental Health Bureau and the Fire Department will each need to designate a person to review the program elements in which they administer.</p> <p>The revision will assess the applicable elements to describe the CUPA's processes, including:</p> <ul style="list-style-type: none">• The current process for issuing notice of non-compliance;• A complete processes for pursuing a graduated series of enforcement;• A complete processes for issuing an administrative enforcement order in the event the City Attorney chooses not to accept a case;• The current processes for assessing re-inspection fees.

	<p>criminal penalties are enforced as applicable”.</p> <ul style="list-style-type: none"> According to the Deputy Fire Marshal, the first re-inspection is included in the annual permit fees. However, the I & E Plan (Section VII. E.) states, “A re-inspection fee is charged for the follow-up inspection”. 	
<p>Deficiency Progress Update 1:</p> <p>The CUPA has reviewed and revised the Inspection and Enforcement Plan. A copy of the Plan has been provided.</p>		
<p>Evaluation Team Response:</p> <p>CalEPA and the State Water Board find that this deficiency is corrected.</p> <p>State Water Board acknowledges the CUPA’s Deficiency Progress Update 1 and attached I & E Plan dated January 29, 2016 and finds the CUPA addresses the deficiency. Bullet 2 language for mailing Notice of Non-Compliance letters has been removed; Bullet 3 language for formal enforcement now states CUPA management is to make a determination for how each enforcement case is handled; and Bullet 4 now reflects the re-inspection fee may be assessed. Additionally, Deputy Fire Marshall David Zinnen confirms he is responsible for reviewing program elements, which the City of Long Beach Fire Department administers.</p>		
<p>Deficiency Progress Update 3: No update required.</p>		
<p>Evaluation Team Response: N/A – Deficiency has been corrected.</p>		
9.	<p>DEFICIENCY: CORRECTED</p> <p>The CUPA is not submitting formal enforcement reports to the Secretary for each formal enforcement case that has received a final judgment within 30 days after a final case disposition.</p>	<p>CORRECTIVE ACTION: COMPLETE</p> <p>This deficiency was corrected prior to the issuance of the final summary of findings.</p> <p>On November 2, 2015, the CUPA submitted 31 formal enforcement summaries documenting cases that have received final judgement.</p>
<p>Deficiency Progress Update 1: No update required.</p>		
<p>Evaluation Team Response: N/A – Deficiency has been corrected.</p>		