



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Certified Mail: 7015 1730 0001 0036 5339

September 30, 2016

Mr. Jerry Sipe, Director
Plumas County
Department of Environmental Health
270 County Hospital Road, Suite 127
Quincy, California 95971-9174

Dear Mr. Sipe:

On July 29, 2016, the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control, the California Office of Emergency Services, the CAL FIRE - Office of the State Fire Marshal, and the State Water Resources Control Board completed a Unified Program evaluation of the Plumas County Department of Environmental Health Certified Unified Program Agency (CUPA). The evaluation comprised of a remote assessment and oversight inspections.

Upon completion of the evaluation, the Unified Program Evaluation Team (team) developed a preliminary Summary of Findings, which identified program deficiencies and provided corrective actions with timeframes for correction. Program observations and recommendations were also noted.

Enclosed, please find the final Summary of Findings. Based upon review and completion of the evaluation, the implementation and performance of the Unified Program by the CUPA is considered to be satisfactory with improvements needed.

Deficiency Progress Reports are due every 90 days from the last day of the evaluation to document progress of the CUPA towards correcting identified deficiencies. Due to the delay with finalizing the Summary of Findings, the first Deficiency Progress Report is due December 2, 2016. Submittal of Deficiency Progress Reports is required until all identified deficiencies have been corrected. Each Deficiency Progress Report should be emailed as a Microsoft Word document file to the team lead, kareem.taylor@calepa.ca.gov.

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

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

Mr. Jerry Sipe, Director
Page 2

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

If you have any questions or need further assistance, please contact the team lead, Kareem Taylor, at (916) 327-9557 or John Paine, Unified Program Manager, at (916) 327-5092.

Sincerely,

Original Signed by Jim Bohon

Jim Bohon
Assistant Secretary for Local Program Coordination and Emergency Response

Enclosure

cc's sent via email

Mr. Jim Perez
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Mr. Jerry Sipe, Director
Page 3

cc's sent via email

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Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

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



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CERTIFIED UNIFIED PROGRAM AGENCY
FINAL SUMMARY OF FINDINGS

EVALUATION YEAR:	2016	REVIEW PERIOD:	June 14-28, 2016	ISSUANCE DATE:	September 30, 2016
CUPA:	Plumas County Department of Environmental Health				
EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	State Water Board	CAL FIRE - OSFM
	Kareem Taylor	Kevin Abriol	Denise Gibson	Sean Farrow	Glenn Warner

This **FINAL SUMMARY OF FINDINGS** includes:

- deficiencies identified during the evaluation
- program observations and recommendations

The findings contained within this evaluation report are considered final.

Based upon review and completion of the evaluation, the Unified Program implementation and performance of the CUPA are considered to be:

Satisfactory.

Questions or comments regarding this evaluation should be directed to **Kareem Taylor**.

<p>The CUPA is required to submit a Deficiency Progress Report every 90 days from the last day the evaluation is conducted, until all deficiencies have been acknowledged as corrected.</p> <p>Each Deficiency Progress Report must include a narrative stating the 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>Update 1: December 2, 2016</p> <p>Update 2: March 2, 2017</p> <p>Update 3: June 2, 2017</p> <p>Update 4: September 5, 2017</p> <p>Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.</p>
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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA did not consistently include observations, factual basis, and corrective actions for violations cited on hazardous waste generator (HWG) inspection checklists.</p> <p>DTSC found inadequate or improper documentation on inspection reports for the following facilities that were cited for violations by the CUPA:</p> <ul style="list-style-type: none"> • The HWG inspection checklist dated 7/24/2013 for American Valley Aviation (California Environmental Reporting System (CERS) Identification (ID): 10159359) at 550 Orion Way, Quincy, CA 95971, listed the following violation: “No Accumulation on Glass Bead Hopper.” The CUPA did not document the observations, factual basis, and corrective actions for the violation on the inspection form. • The HWG inspection checklist dated 4/23/2014 for CA Highway Patrol Quincy (CERS ID: 10423540) at 86 West Main Street, Quincy, CA 95971, listed the following violation: <ol style="list-style-type: none"> 1) “Need to update weathered labels [Vehicles sent off site for repair-pending hire of new mechanic = no currently generating waste oil]” 2) “Generated checklist; when new employee hired will see daily” 3) “Label drums w/ start date + content” <p>The CUPA did not document the observations, factual basis, and corrective actions for the violation on the inspection form.</p> 	<p>By December 2, 2016, CUPA inspectors will review CalEPA’s “Inspection Report Writing Guidance For Unified Program Agencies” document, http://www.calepa.ca.gov/CUPA/Documents/Inspection/InspectionRpt.pdf, to ensure that all violations cited in HWG inspection reports include observations, factual basis, and corrective actions. The CUPA will provide CalEPA with a sign-in sheet that includes the names of each reviewing inspector along with a narrative stating that each inspector has reviewed the “Inspection Report Writing Guidance For Unified Program Agencies” document.</p> <p>By March 2, 2017, the CUPA will provide CalEPA with a copy of 5 HWG inspection reports, completed within the last 3 months, that demonstrate the CUPA has cited at least 1 HWG violation. Those reports will contain observations, factual basis, and corrective actions for each violation cited.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION: FINAL SUMMARY OF FINDINGS
DEFICIENCIES IDENTIFIED DURING EVALUATION

	CITATION: HSC, Chapter 6.5, Section 25185(c)(2)(A) [DTSC]	
2.	DEFICIENCY: The CUPA is not consistently requiring underground storage tank (UST) facilities to implement periodic enhanced leak detection (ELD) testing due to proximity to public drinking water wells. State Water Resources Control Board (State Water Board) notes citing this deficiency during the 2013 CUPA Evaluation for three (3) UST facilities. During the Deficiency Progress Update Process, two (2) out of three (3) UST facilities implemented ELD testing. The CUPA reports, the third UST facility, Fuel Star UnoCal, is scheduled to begin removing its tanks in August 2016. However, no removal permit has been issued by the CUPA. This deficiency is carried over from the 2013 CUPA Evaluation.	CORRECTIVE ACTION: By December 2, 2016, the CUPA will provide an update regarding the status of the removal of the UST system for Fuel Star UnoCal. Each subsequent Deficiency Progress Update, the CUPA will continue to provide CalEPA with updates until such time the CUPA issues a closure letter to the UST facility owner indicating the UST system has been removed.
	CITATION: HSC, Chapter 6.7, Section 25292.4 and 25292.5 CCR, Title 23, Section 2644.1 [State Water Board]	
3.	DEFICIENCY: The CUPA is not consistently requiring UST facilities with testing and leak detection failures to return to compliance (RTC).	CORRECTIVE ACTION: By December 2, 2016, the CUPA will identify and provide to CalEPA, a list identifying all UST facilities that have had testing and leak detection failures for the following most current submitted testing and leak detection documents; 1) annual UST monitoring certifications, 2) annual spill bucket testing,

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

<p>State Water Board review of testing and leak detection testing reports, finds third party testers noting failures during secondary containment testing and annual monitoring certifications. The following CERS ID numbers are examples of facilities with failures where information is lacking, demonstrating that repairs and retesting have been completed:</p> <ul style="list-style-type: none"> • Secondary Containment Testing: <ul style="list-style-type: none"> ○ CERS ID - 10190459 (9-16-15) ○ CERS ID - 10159563 (8-18-15) ○ CERS ID - 10397443 (11-30-15) • Monitoring Certifications: <ul style="list-style-type: none"> ○ CERS ID - 10158337 (5-22-15) ○ CERS ID - 10190359 (6-3-15) ○ CERS ID - 10397755 (10-10-13) <p>In addition to repairs and retesting not being completed by owners/operators, the CUPA cites violations in CERS that have no RTC.</p>	<p>3) secondary containment testing, etc. Furthermore, the list will include the following information; 1) the dates of the testing and leak detection documents, 2) the issuance of any violations issued by the CUPA (including the date the violation was issued), and 3) date of any obtained RTC. If the CUPA failed to issue violations for testing or leak detection failures, and failures have not been repaired, the CUPA will issue a Notice of Violation requiring RTC. The CUPA will initiate the appropriate enforcement actions as necessary to obtain compliance.</p> <p>By March 2, 2017, the CUPA will revise and provide CalEPA, the CUPA's Inspection and Enforcement (I&E) Plan or other applicable procedure to ensure personnel verify and require UST facilities with testing or leak detection failures to return to compliance.</p> <p>By June 2, 2017, the CUPA will, if necessary, make amendments to this plan or procedure, based on feedback from the State Water Board, and will submit the revisions to CalEPA.</p> <p>By July 3, 2017, the CUPA will implement and train personnel on the new I&E Plan or other applicable procedure.</p> <p>By September 5, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of personnel attending the training.</p> <p>By September 5, 2017, and in each subsequent Deficiency Progress Update, the CUPA will report to CalEPA, the status of ensuring UST facilities return to compliance from the list of identified facilities.</p>
<p>CITATION:</p> <p>HSC, Chapter 6.7, Section 25288(d) [State Water Board]</p>	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION: FINAL SUMMARY OF FINDINGS
DEFICIENCIES IDENTIFIED DURING EVALUATION

		<p>By December 5, 2017, the CUPA will provide CalEPA with the following if not available in CERS; 1) annual UST compliance inspection reports, 2) associated monitoring certifications, 3) spill bucket testing, and 4) return to compliance documentation for four (4) UST facilities selected by State Water Board.</p>
4.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is issuing Unified Program Facility Permits, which includes the UST operating permit, to facilities that are not in compliance with UST Program requirements.</p> <p>State Water Board review of CERS inspection, violation, and enforcement data and annual UST compliance inspection reports finds the CUPA is issuing permits to the following UST facilities not in compliance with UST Program requirements:</p> <ul style="list-style-type: none"> • CERS ID – 10190459 • CERS ID – 10159563 • CERS ID – 10158337 • CERS ID – 10190359 • CERS ID – 10397755 <p>In addition, State Water Board finds the CUPA is not following its Consolidated Permit Plan. The CUPA’s Consolidated Permit Plan requires all outstanding violations to be corrected before renewing a permit.</p>	<p>By December 2, 2016, the CUPA will revise and provide CalEPA with the CUPA’s Consolidated Permit Plan for issuing permits. The Consolidated Permit Plan will ensure permits, are withheld for non-compliance with UST Program requirements. The plan will identify how CUPA personnel, managers, and support personnel confirm UST facility compliance before permits are issued.</p> <p>By March 2, 2017, the CUPA will, if necessary, make amendments to the plan, based on feedback from the State Water Board, and will submit the revisions to CalEPA.</p> <p>By April 3, 2017, the CUPA will implement and train personnel on the plan.</p> <p>By June 2, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of personnel attending the training.</p> <p>With respect to permits already issued to UST facilities not in compliance, the CUPA will require violations to be corrected within 60 calendar days or initiate enforcement actions, which may include permit revocation.</p>
	CITATION:	
	<p>HSC, Chapter 6.7, Section 25285(b) HSC, Chapter 6.11, Section 25404.2(a)(1)(A) CCR, Title 23, Section 2712(c) and (e) [CalEPA, State Water Board]</p>	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS** DEFICIENCIES IDENTIFIED DURING EVALUATION

		<p>By June 2, 2017 and each subsequent quarterly Deficiency Progress Report, the CUPA will provide CalEPA with a list of UST facilities where a permit has been issued subsequent to personnel being trained on the revised plan. State Water Board will select UST facilities from this list and the CUPA will provide the following information if not available in CERS: 1) a copy of the issued permit, 2) a copy of the associated annual UST compliance inspection report, 3) the most recent monitoring certification, 4) secondary containment test results, 5) spill bucket test results, and 6) RTC documentation.</p>
5.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently ensuring all appropriate UST related information in CERS is accurate and complete.</p> <p>State Water Board review of accepted UST facility submittals in CERS finds CUPA personnel are accepting inaccurate and incomplete UST related information.</p> <p>The following are examples of inaccurate and incomplete information in CERS:</p> <ul style="list-style-type: none"> • Tanks identified as missing installation dates: <ul style="list-style-type: none"> ○ CERS ID – 10158201 (Tanks Unleaded # 556, Unleaded # 557, Premium # 558, and Diesel # 555); and ○ CERS ID - 10158337 (Tanks Unleaded ID # 2566, Diesel ID # 2826, and Premium ID # 2867) • Vent Piping Transition Sumps being left “blank” (if not required, should be marked as “none.”) <ul style="list-style-type: none"> ○ CERS ID – 10133932 (Tanks 2847, 2846, and 2831); 	<p>By March 2, 2017, the CUPA will revise and provide CalEPA with the Data Management Procedure, or other applicable procedure, to ensure the CUPA accepts accurate and complete UST information.</p> <p>The procedure will delineate the CUPA’s process for managing submittals including:</p> <ul style="list-style-type: none"> • A process for reviewing and not accepting CERS submittals; AND • A process for reviewing and accepting only accurate and complete CERS submittals; OR • A process for reviewing and accepting submittals with minor errors; <ul style="list-style-type: none"> ○ A condition is set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe; ○ If the submittal is not corrected, personnel will change the submittal status from “accept” to “not accept.” <p>By June 2, 2017, the CUPA will, if necessary, make amendments to the procedure, based on feedback from the State Water Board, and will submit the revisions to CalEPA.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

<ul style="list-style-type: none">○ CERS ID – 10158031 (Tanks 2655, 2656, and 2654); and○ CERS ID – 10159563 (Tanks 145, 146, 147, and 148).● Tanks identified as having double-wall pressurized pipe where the Piping/Turbine Containment Sump is being left “blank” (if not required, should be marked as “none.”)<ul style="list-style-type: none">○ CERS ID – 10190359 (Tank 16089);○ CERS ID – 10339825 (Tanks 1924, 1923, and 1922);○ CERS ID – 10397755 (Tanks 212-4, 221-3, 219-2, and 220-1); and○ CERS ID – 10100551 (Tanks 435, 436, and 437).● Under Dispenser Containment identified as being single-wall where Construction Material is “blank”<ul style="list-style-type: none">○ CERS ID – 10158031 (Tanks 2656, 2654, 2655, and 2710). <p>Note: Please reference the following CERS FAQs: “General Reporting Requirements for USTs”; “When to issue a UST Operating Permit”; “Common CERS Reporting Errors”; “Setting Accepted Submittal Status”; and “Which Forms Require Uploading to CERS.”</p>	<p>By July 3, 2017, the CUPA will implement and train personnel on the procedure.</p> <p>By September 5, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of the CUPA personnel attending training.</p> <p>With respect to information already accepted in CERS, the CUPA will review UST related information and require accurate and complete submittals for each facility when the next submittal is made, but no later than the next annual UST facility compliance inspection.</p>
CITATION:	
HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Sections 15180(e) and 15185(a) [CalEPA, State Water Board]	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION: FINAL SUMMARY OF FINDINGS
DEFICIENCIES IDENTIFIED DURING EVALUATION

6.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not inspecting all Aboveground Petroleum Storage Act (APSA) tank facilities that store 10,000 gallons or more of petroleum at least once every 3 years. In addition, the CUPA is not inspecting all APSA tank facilities at least once every 3 years in accordance with their I&E Plan.</p> <p>The OSFM found the following:</p> <ul style="list-style-type: none"> • The 7 APSA facilities noted on the CUPA’s list (10,000 gallons or more of petroleum) have been inspected at least once every 3 years based on a review of the CERS APSA CME data. However, the CUPA’s list is missing at least 6 facilities that should be included CERS ID 10401214, 10159173, 10001572, 10176099, 10001557, and 10212685, several of which do not have an APSA inspection documented within the last 3 years. • 2 of the 10 APSA facility files (CERS ID 10159173, 10001572) provided for OSFM review lacked documentation of an APSA inspection. • OSFM found 57 facilities subject to APSA based on CERS data. The CUPA did not inspect 36 (63%) of 57 APSA facilities within the last three fiscal years (FY) based on CERS APSA CME data. 	<p>By December 2, 2016, the CUPA will develop, implement and provide CalEPA with an action plan to ensure all APSA tank facilities, including those that store 10,000 gallons or more of petroleum, are inspected at least once every three years. The plan will include the following:</p> <ul style="list-style-type: none"> • Identification of all APSA tank facilities that have not been inspected in the last three years, and provide a list of those facilities to CalEPA; • A proposed schedule to inspect those APSA tank facilities by September 5, 2017, by prioritizing the most delinquent inspections first. Also, the prioritization of inspections should be based on a risk analysis of all APSA facilities (i.e., large volumes of petroleum or proximity to navigable water); and • Steps to ensure that all APSA tank facilities will be inspected at least once every three years. <p>With each Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the APSA tank facility list to show inspections that have occurred during the previous quarter.</p> <p>By September 5, 2017, the CUPA will have inspected all APSA tank facilities, including those that store 10,000 gallons or more of petroleum, at least once in the last three years.</p>
	<p>CITATION:</p> <p>HSC, Chapter 6.67, Section 25270.5(a) and (b) [OSFM]</p>	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION: FINAL SUMMARY OF FINDINGS
DEFICIENCIES IDENTIFIED DURING EVALUATION

7.		
7.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not ensuring each inspector completes the APSA training program and passes the exam prior to conducting an APSA inspection at a tank facility with 10,000 gallons or more of petroleum.</p> <p>A CUPA inspector conducted an APSA inspection at Joy Engineering (CERS ID 10207066) on 5/17/2016 without having completed the APSA training program. This facility stores more than 10,000 gallons of petroleum.</p>	<p>By December 2, 2016, the CUPA will perform an inspection at Joy Engineering (CERS ID 10207066) with an APSA inspector who has completed the APSA training program and passed the exam.</p> <p>By December 2, 2016, any new CUPA inspector that conducts APSA inspections at tank facilities with 10,000 gallons or more of petroleum will complete the APSA training program and pass the exam. The CUPA will provide CalEPA with a copy of the APSA training exam certificate for any new inspector.</p>
	CITATION:	
	HSC, Chapter 6.67, Section 25270.5(c) [OSFM]	
8.		
8.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently ensuring that site maps, emergency response plans and procedures, and training programs contain all of the required elements.</p> <p>Of the 10 facility files reviewed by OSFM, 6 facilities were missing various elements in their recent business plan submittals.</p> <ul style="list-style-type: none"> • Mohawk Trading (CERS ID 10158001) was missing several components on its site map, including orientation, loading areas, internal roads, storm and sewer drains, access and exit points, emergency shutoffs and locations of emergency response equipment. 	<p>By December 2, 2016, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure that future business plan submittals are thoroughly reviewed and contain all the required elements, including their site maps, emergency response plans and procedures, and training programs. The action plan will include steps to follow-up with rejected or incomplete submittals.</p> <p>By March 2, 2017, the CUPA will provide a list of facilities that have recently submitted business plans that have been reviewed and not accepted. For each facility on the list, the CUPA will include follow-up actions, including any formal enforcement.</p> <p>With each Deficiency Progress Report, the CUPA will update the list with the status of business compliance and provide it to CalEPA.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

<ul style="list-style-type: none">• Plumas County Public Works Maintenance Yard (CERS ID 10166865) was missing several components on its site map, including storm and sewer drains, emergency shutoffs, evacuation staging areas and locations of emergency response equipment. Additionally, CUPA and Regional Water phone numbers, local medical assistance, evacuation information, and earthquake vulnerability information were missing from the emergency response plan and procedures.• Hunt Andy's Way Bulk Plan #56 (CERS ID 10172669) was missing several components on its site map, including storm and sewer drains, emergency shutoffs, and evacuation staging areas.• PSREC Portola Office (CERS ID 10180239) was missing several components on its site map, including internal roads, adjacent streets, storm and sewer drains, emergency shutoffs and locations of emergency response equipment.• Rogers Field Airport (CERS ID 10176007) was missing several components on its site map, including orientation, storm and sewer drains, emergency shutoffs and locations of emergency response equipment. Additionally, earthquake vulnerability information was missing from the emergency response plan and procedures.• Joy Engineering (CERS ID 10207066) was missing several components on its site map, including internal roads, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas and locations of emergency response equipment.	<p>By September 5, 2017, the CUPA will ensure that each regulated business has submitted all of the required elements for a business plan or appropriate actions were taken to enforce this requirement.</p>
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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION: FINAL SUMMARY OF FINDINGS
DEFICIENCIES IDENTIFIED DURING EVALUATION

	CITATION:	
	HSC, Chapter 6.67, Section 25270.6 HSC, Chapter 6.95, Sections 25504(e) and (f) and 25505 2013 CFC, Chapter 50, Section 5001.5.1 and 5001.5.2 and 2013 CFC Appendix H [Cal OES, OSFM]	
9.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently enforcing the APSA program.</p> <p>Based on a review of the facility files, the CUPA did not cite the following facilities for not having a Spill Prevention, Control, and Countermeasure (SPCC) Plan.</p> <ul style="list-style-type: none"> • Feather River College (CERS ID 10159487) – Facility was inspected on 6/4/2013 for compliance with the business plan program and facility was noted to have had about 2500 gallons total of petroleum. No SPCC Plan was observed to be in place and no violation was issued. An inspection was also conducted on 5/12/2016, but the inspection report does not indicate whether an SPCC Plan was in place and no violations were noted. • Lake Almanor CC (CERS ID 10208002) – Inspection report (6/01/2016) states, “Will need to SPCC, mail documents to self-certify...Jeff Lemons, Safety Manage[r]...would submit self-certify Tier [SPCC Plan] for fuel storage (Convault 2,000 gal).” No SPCC Plan was observed to be in place or at the facility during the inspection and no violation was issued. 	<p>By December 2, 2016, the CUPA will develop and provide CalEPA with a comprehensive APSA inspection checklist that uses violation numbers consistent with CERS as described in the CUPA’s Self-Audit Report for FY 2014/2015. The CUPA will begin using this APSA inspection checklist.</p> <p>By March 2, 2017, the CUPA will inspect the facilities identified in the deficiency that do not have a current SPCC Plan. The CUPA will use the recently developed APSA inspection checklist. The CUPA will submit copies of the inspection reports to CalEPA showing a current SPCC Plan certification date or SPCC Plan violation(s). The CUPA will initiate appropriate enforcement actions against APSA facilities without a current SPCC Plan.</p> <p>By June 2, 2017, the CUPA will submit to CalEPA enforcement (formal or informal) follow-up documentation for each APSA facility operating without a current SPCC Plan.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION: FINAL SUMMARY OF FINDINGS
DEFICIENCIES IDENTIFIED DURING EVALUATION

	CITATION:	
	HSC, Chapter 6.67, Sections 25270.4, 25270.12, 25270.12.1, and 25270.12.5 HSC, Chapter 6.11, Sections 25404.1.1(a) and 25404.2(a)(3) and (4) CCR, Title 27, Section 15200(a) and (e) [CalEPA, OSFM]	
10.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA is not certifying to Cal OES every 3 years that it has conducted a complete review of its Area Plan and has made any necessary revisions.	By December 2, 2016, the CUPA will certify to Cal OES that they have conducted a complete review of the Area Plan and made any necessary revisions.
	CITATION:	By December 2, 2016, the CUPA will also provide CalEPA with a copy of the revised Area Plan.
	HSC, Chapter 6.95, Section 25503(d)(2) CCR, Title 19, Sections 2640-2648 [Cal OES]	
11.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA is not correctly assessing the state surcharge fee to all regulated businesses.	By December 2, 2016, the CUPA will develop, implement, and provide CalEPA with a plan to assess, collect, and remit the state surcharge fee. The plan will include but not be limited to:
	The Single Fee Summary Reports for FYs 2012/2013 and 2013/2014 show that the CUPA under assessed the state surcharge.	<ul style="list-style-type: none"> • Identification of all active facilities that were not assessed or incorrectly assessed the state surcharge fee; and, • The steps and timeframes to assess, collect, and remit the correct state surcharge fee that was not previously assessed.
	<ul style="list-style-type: none"> • FY 2013/2014: The CUPA assessed \$5,575 in CUPA Oversight surcharge. However, for 210 businesses, the surcharge assessment should have been \$7350. The CUPA did not assess 24% of the total CUPA Oversight surcharge. • FY 2012/2013: The CUPA assessed \$5,822 in CUPA Oversight surcharge. However, for 212 businesses, the surcharge assessment should have been \$7420. The CUPA did not assess 22% of the total CUPA Oversight surcharge. 	By March 2, 2017, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA an update on the status of assessing the state surcharge fee on the identified facilities where the surcharge was not assessed or incorrectly assessed.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"> FY 2012/2013: The CUPA assessed \$630 in UST surcharge. However, for 59 USTs, the surcharge assessment should have been \$885. The CUPA did not assess 19% of the UST surcharge. 	
	<p>CITATION:</p>	
	<p>CCR, Title 27, Section 15250(a) [CalEPA]</p>	
<p>12.</p>	<p>DEFICIENCY:</p>	<p>CORRECTIVE ACTION:</p>
	<p>The CUPA is not consistently following-up and documenting RTC for facilities cited with violations in inspection reports.</p> <p>CalEPA reviewed CERS CME information and found the following:</p> <p><u>FY 2014/2015</u></p> <ul style="list-style-type: none"> Hazardous Materials Business Plan (HMBP): Out of 34 violations, 18 RTC (53%) UST: Out of 66 violations, 24 RTC (36%) <p><u>FY 2013/2014</u></p> <ul style="list-style-type: none"> HMBP: Out of 1 violation, 0 RTC (0%) UST: Out of 65 violations, 42 RTC (65%) HWG: Out of 1 violation, 0 RTC (0%) 	<p>By December 2, 2016, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of the total number of facilities that have open violations. The CUPA will follow-up with the facilities listed in the provided spreadsheet and prioritize follow-up actions based on the level of hazard. At minimum, the spreadsheet will include:</p> <ul style="list-style-type: none"> Facility name and address; CERS ID number; Facility ID number (if applicable); Inspection and violation dates; Scheduled RTC date; Actual RTC date; RTC qualifier; and Follow-up actions. <p>By December 2, 2016, the CUPA will provide CalEPA with a timeframe for when all of the listed facilities will be followed-up with.</p> <p>By March 2, 2017, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet.</p>
	<p>CITATION:</p>	
	<p>HSC, Chapter 6.11, Section 25404.1.2(c) CCR, Title 27, Section 15200(a) CCR, Title 27, Section 15185(a) and (c) [CalEPA, Cal OES, DTSC, State Water Board]</p>	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION: FINAL SUMMARY OF FINDINGS
DEFICIENCIES IDENTIFIED DURING EVALUATION

		<p>By June 2, 2017, the CUPA will provide CalEPA with a copy of RTC documentation for up to 10 facilities requested by each state agency during the previous quarter. For the facilities selected by the State Water Board, the CUPA will provide CalEPA with the following information if not available in CERS; 1) a copy of RTC documentation for four (4) UST facilities selected by State Water Board during the previous quarter.</p>
13.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA did not consistently and correctly report CME information to CERS.</p> <p>A comparison of information in the CUPA's facility files, administrative documents, and CERS shows that CME information was not reported consistently and correctly.</p> <p>The following are facility file examples of when CME information was not reported in CERS:</p> <ul style="list-style-type: none"> • HWG inspection conducted on 6/2/2014 at East Quincy Transfer Station at 29 Abernathy Ln, Quincy, CA 95971 (CERS ID 10199080) is not reported in CERS. • HWG violation information for an inspection conducted on 4/23/2014 at CA Highway Patrol Quincy at 86 West Main Street, Quincy, CA 95971 (CERS ID 10423540) is not reported in CERS. • The Sierra Pacific Industries facility file (CERS ID 10401214) had a CUPA inspection form dated 7/23/2013, but the APSA inspection information is not in CERS. CERS shows an inspection date of 10/22/2014. • The Cal Trans Chester facility file (CERS ID 10001563) had a CUPA inspection form dated 7/23/2014, but the APSA inspection information is not in CERS. 	<p>By December 2, 2016, the CUPA will develop and provide CalEPA with the Data Management Procedure or other applicable procedure to ensure CUPA personnel consistently and correctly report CME information to CERS.</p> <p>By March 2, 2017, the CUPA will, if necessary, make amendments to the procedure, based on feedback from the state agencies, and will submit the revisions to CalEPA.</p> <p>By April 3, 2017, the CUPA will implement and train CUPA personnel on the procedure.</p> <p>By June 2, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of the CUPA personnel attending training.</p> <p>By June 2, 2017, the CUPA will begin reporting CME information to CERS that was not reported since July 1, 2013 and will begin removing all duplicate CME data in CERS.</p> <p>By September 5, 2017, the CUPA will have reported all prior CME information to CERS that was not reported since July 1, 2013. Additionally, the CUPA will have removed all duplicate CME information in CERS.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION: FINAL SUMMARY OF FINDINGS
DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"> The Cal Trans Quincy facility file (CERS ID 10001572) had a CUPA inspection form dated 6/9/2013, but the APSA inspection information is not in CERS. <p>Duplicate routine inspections were reported in CERS.</p> <ul style="list-style-type: none"> Beckwourth Nervino Airport CERS ID: 10176099 Routine inspections in CERS dated 5/11/2016 and 5/6/2016, with both inspections noting ‘violation for no SPCC,’ but no violation entered into CERS. 	
	CITATION:	
	HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15290(b) [CalEPA, DTSC, OSFM]	
DEFICIENCY IDENTIFICATION		
14.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not annually reviewing and updating the I&E Plan. Additionally, the I&E Plan has inaccurate or incomplete information or is missing required components.</p> <p>The following information is either missing, inaccurate, or incomplete:</p> <ul style="list-style-type: none"> Numerous HSC 6.95 citation errors; Provisions for addressing complaints including, but not limited to, the receipt, investigation, and closure of the complaint; 	<p>By March 2, 2017, the CUPA will review, revise, and provide CalEPA with a copy of the I&E Plan.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION: FINAL SUMMARY OF FINDINGS
DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"> • Inspection frequencies for the Permit-by-Rule, Conditional Authorization, and Conditional Exemption categories of the HWG program need to be updated to include an “initial inspection within two (2) years of notification and every three (3) years thereafter; • The reference to DTSC’s Enforcement Response Policy (1995) on page 3 is no longer valid since penalty regulations became effective in 2001; • The language on page 9 in reference to California Code of Regulations (CCR), Title 22, Sections 66262.60 - 66272.68 is no longer valid; • The “Program Specific Enforcement Citations” section lacks an APSA subsection; and • “Aboveground Storage Tank Facilities” should include the word petroleum for clarity and consistency with the statute. <p>Note: The plan was recently reviewed, updated, and submitted to CalEPA on June 17, 2016. However, the CUPA stated that the plan was not annually reviewed and updated if necessary.</p>	
	<p>CITATION:</p>	
	<p>CCR, Title 27, Section 15200(a) and (b) [CalEPA, DTSC, OSFM]</p>	
DEFICIENCIES IDENTIFIED DURING EVALUATION		
15.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA’s Records Maintenance Procedures contains information that is inconsistent with Title 27 requirements.</p> <p>Under “Retention Times” on page 2, the following was observed:</p>	<p>By December 2, 2016, the CUPA will review, revise, and provide CalEPA with a copy of the Records Maintenance Procedures.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

<ul style="list-style-type: none">• The section has the incorrect regulatory citation and requirements for records retention. CCR, Title 27, section 15188 was incorrectly referenced. The citation should be CCR, Title 27, Section 15185.• The section incorrectly states that Title 27 requires at least a 3-year retention time for “self audits, including copies of annual, biennial and quarterly reports, annual summary reports to the state.” CCR, Title 27, section 15185 requires a minimum 5-year retention timeframe for Unified Program documents and records.• The section incorrectly states that Title 27 requires at least a 7-year retention time for “inspection reports, enforcement files, and on-site tiered permitting notifications.” CCR, Title 27, Section 15185 requires a minimum 5-year retention timeframe for Unified Program documents and records.• Additionally, under “Hard Copy Record Maintenance” on page 2, it is stated that “Plumas County CUPA will use UPCF reporting forms for the collection of data...” Data formerly collected with the Unified Program Consolidated Forms (UPCF) are now electronically reported in CERS. This statement should be corrected to reflect the collection of CERS reported data.	
CITATION:	
CCR, Title 27, Section 15185(a) and (c) [CalEPA]	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

16.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA's FY 2013/2014 and 2014/2015 Self-Audit Reports are missing an adequate description of the annual review and update of the fee accountability program.	By September 30, 2016 and each year thereafter, the CUPA will complete an annual Self-Audit Report that includes a description of the annual review and update of the fee accountability program.
	CITATION:	By December 2, 2016, the CUPA will provide CalEPA
	CCR, Title 27, Section 15280(c) [CalEPA]	with a copy of the completed FY 2015/2016 Self-Audit Report.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

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

1.	OBSERVATION:
	State Water Board review of the CUPA's I&E Plan finds the CUPA does not identify the State Water Board in the Multimedia Inspection section on page 1. Instead, the CUPA refers to the Regional Water Quality Control Board.
	RECOMMENDATION:
	State Water Board recommends that the CUPA add the State Water Board to the Multimedia Inspection section on page 1.
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2.	OBSERVATION:
	The CUPA's I&E Plan, and specifically the section regarding conducting inspections, is very basic in nature. While the I&E Plan describes conducting an initial inspection and re-inspection, it does not address pre-inspection or post-inspection procedures.
	The CUPA's Self-Audit Reports state that personnel witness all annual UST monitoring certifications. However, the CUPA does not address in the I&E Plan or in the Self-Audit Reports conducting an annual UST compliance inspection in the event the annual UST monitoring certification cannot be witnessed.
	RECOMMENDATION:
	State Water Board recommends that the CUPA update the I&E Plan to include pre-inspection and post-inspection procedures. In addition, State Water Board recommends that the CUPA add a procedure to address how inspection personnel will conduct an annual UST compliance inspection when the annual UST monitoring certification is not or cannot be witnessed.
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3.	OBSERVATION:
	On June 27, 2016, State Water Board observed the Plumas County Department of Environment Health conduct an annual UST compliance inspection. The inspection took place at One Stop, 2003 E. Main Street, Quincy, CA 95971.
	The Plumas County Department of Environmental Health inspector's attention to detail and knowledge of statute and regulations regarding UST design, construction, and operation, resulted in a complete physical annual UST compliance inspection.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

	RECOMMENDATION: State Water Board recommends that the CUPA continue with current training practices as UST personnel conduct complete physical annual UST compliance inspections.
4.	OBSERVATION: The CUPA confirms that there are no UST specific procedures for conducting annual compliance inspections, construction inspections, tank removal inspections, etc. RECOMMENDATION: State Water Board highly recommends that the CUPA develop and prepare UST specific procedures to prepare for CUPA personnel succession planning.
5.	OBSERVATION: State Water Board review of UST closure information dated 2011 finds the CUPA did not provide documentation in sufficient detail as to whether the owner/operator has demonstrated to the satisfaction of the CUPA, tank closure, removal and soil sampling complies with statute and regulation. State Water Board notes an unauthorized release form has been filled out and provided to appropriate agencies. However, sufficient detail regarding tank closure is missing, which includes, but is not limited to, missing sampling results and analysis. RECOMMENDATION: State Water Board recommends that the CUPA create a UST removal procedure that contains steps to remove UST(s). The procedure should include a step for documenting, in sufficient detail that the owner/operator has demonstrated to the satisfaction of the CUPA, tank closure, removal and soil sampling complies with statute and regulation. In addition, State Water Board recommends that the CUPA maintain applicable documentation indicating the owner/operator has demonstrated to the satisfaction of the CUPA, tank closure, removal and soil sampling complies with statute and regulation. Upon request, State Water Board will provide the CUPA with an example of a UST closure letter that satisfies the requirements of regulations.
6.	OBSERVATION: CUPA's FY 2014/2015 Self-Audit Report identifies development of an APSA facilities checklist with violation numbers consistent with CERS. However, the CERS violation number information is not present on the CUPA's HMBP inspection report used for APSA inspections.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

OSFM recommends that the CUPA upgrade their APSA inspection document to include additional APSA specific inspection requirements.

A much more expansive APSA checklist should be developed, including violation numbers that correspond to the 90 APSA violations in the current CERS violation library. It would also be useful to include an area on the checklist that documents the certification/review/amendment date of the tank facility's SPCC Plan. The CUPA Forum Board may have an APSA checklist based on the current APSA violations in the CERS violation library.

The OSFM recommends that the CUPA utilize the comprehensive APSA inspection checklist and ensure that the checklist items are applicable to the tank facilities being inspected.

OSFM recommends that the CUPA review the guidance document titled 'Inspection Report Writing Guidance for Unified Program Agencies', accessible at the CalEPA website. This document has a section (III-E) that discusses violation documentation.

The federal SPCC rule has not been delegated to any State. Therefore, CUPAs do not have the authority to enforce the federal SPCC rule. However, the CUPA should cite the Health and Safety Code, Chapter 6.67 and reference the applicable federal SPCC rule on the CUPA's APSA inspection checklist.

Note that Tier I qualified facilities are not subject to all the provisions of a Tier II qualified facility or a facility that is required to have an SPCC Plan certified by a professional engineer. For example, if utilizing the Tier I qualified facility SPCC Plan template, a Tier I qualified facility is not required to include a facility diagram on their SPCC Plan. The USEPA has comprehensive checklists for the Tier I qualified facilities and bulk storage facilities on their ["SPCC Guidance for Regional Inspector" website](#). The bulk storage facility checklist also applies to Tier II qualified facilities.

7. OBSERVATION:

On July 13, 2016, DTSC staff accompanied the CUPA staff on 2 HWG inspections at Plumas County Public Works – Chester and Plumas County Public Works – Greenville. Both of these facilities generate small quantities of used oil.

The inspector was well-prepared utilizing the Hazardous Waste Tracking System, CERS and past file information. The County Public Works were notified prior to the inspection because the facilities are often unmanned and remote sites. Consent to inspect was not documented during either of the inspections, but the inspector built a strong rapport with the County Public Works Operations Manager.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

	<p>The first inspection was conducted at Plumas County Public Works – Greenville. The County Public Works Operations Manager provided DTSC and the inspector with a tour of the facility and the property. The inspector identified a number of HWG violations that included the following:</p> <ul style="list-style-type: none">• Hazardous waste manifests, waste profiles, and accumulation start dates were not provided;• Containers missing labels;• Storage of hazardous waste was greater than 180 days;• Weekly container inspections were not conducted; and• Lead-acid batteries were illegal stored. <p>The second inspection was conducted at Plumas County Public Works – Chester. The County Public Works Operations Manager provided DTSC and the inspector with a tour of the facility and the property. The inspector identified most of the same violations occurring at the first facility. The HWG violations included the following:</p> <ul style="list-style-type: none">• Hazardous waste manifests, waste profiles, and accumulation start dates were not provided;• Containers missing labels;• Containers were left open;• Storage of hazardous waste was greater than 180 days; and• Weekly container inspections were not conducted. <p>The inspector was thorough in utilizing the HWG checklist and appropriate questions were asked regarding the facility. The inspector carefully explained the violations to the Operations Manager. The inspection report was reviewed and signed by the Operations Manager. Photographs were not utilized as a part of the inspection.</p>
	RECOMMENDATION:
	DTSC recommends that the CUPA request and document consent to inspect before each inspection. DTSC also recommends that the CUPA utilize photographs to document inspection observations.
8.	OBSERVATION: <p>The I&E Plan does not include narratives of how the CUPA addresses certified appliance recyclers, universal waste, and silver-only facilities.</p> RECOMMENDATION: <p>DTSC strongly recommends that the CUPA include narratives in the I&E Plan on how to address certified appliance recyclers, universal waste, and silver-only facilities. The CUPA may use the CalEPA “Guidance Document for Inspection and Enforcement” (Section III., Subsection D.1.) to develop the narratives. Certified appliance recyclers, universal waste facilities, and silver-only facilities generate hazardous waste and DTSC encourages the CUPA to include these facilities as part of the HWG program element in the I&E Plan.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS