



Edmund G. Brown Jr.  
Governor

Matthew Rodriguez  
Secretary for Environmental Protection

Certified Mail: 7015 1660 0000 1619 0126

December 12, 2016

Mr. Eric Binder  
Assistant Fire Marshal  
City of Santa Monica Fire Department  
333 Olympic Drive, Second Floor  
Santa Monica, California 90401-3126

Dear Mr. Binder:

On November 3, 2016, the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC), the California Office of Emergency Services (Cal OES), the CAL FIRE - Office of the State Fire Marshal (OSFM), and the State Water Resources Control Board (State Water Board) completed a Unified Program evaluation of the City of Santa Monica Fire Department Certified Unified Program Agency (CUPA). The evaluation comprised of a remote assessment and oversight inspections.

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

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

Deficiency Progress Reports are due every 90 days from the last day of the evaluation to document progress of the CUPA towards correcting identified deficiencies. The first Deficiency Progress Report is due February 3, 2017. Submittal of Deficiency Progress Reports is required until all identified deficiencies have been corrected. Each Deficiency Progress Report should be emailed as a Microsoft Word document file to the team lead, [katrina.valerio@calepa.ca.gov](mailto:katrina.valerio@calepa.ca.gov).

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

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

Mr. Eric Binder  
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During the evaluation, CalEPA also noted the CUPA has worked to bring about a number of local program innovations, including participation in county wide committees and use of computer technology to implement the Unified Program.

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

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

Sincerely,

Original Signed by Jim Bohon

Jim Bohon  
Assistant Secretary for Local Program Coordination and Emergency Response

Enclosure

cc's sent via email

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Mr. Oscar Fernandez  
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cc's sent via email

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Mr. John Paine  
Unified Program Manager  
California Environmental Protection Agency

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



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## CERTIFIED UNIFIED PROGRAM AGENCY

### FINAL SUMMARY OF FINDINGS

<b>EVALUATION YEAR:</b>	<b>2016</b>	<b>REVIEW PERIOD:</b>	<b>Sept. 26 – Nov. 3, 2016</b>	<b>ISSUANCE DATE:</b>	<b>December 12, 2016</b>
<b>CUPA:</b>	City of Santa Monica Fire Department				
<b>EVALUATION TEAM MEMBERS:</b>	<b>CalEPA Team Lead</b>	<b>DTSC</b>	<b>Cal OES</b>	<b>State Water Board</b>	<b>CAL FIRE - OSFM</b>
	Samuel Ferris Katrina Valerio	Elizabeth McElroy	Fred Mehr	Lisa Jensen	Jenna Yang

This **FINAL SUMMARY OF FINDINGS** includes:

- deficiencies identified during the evaluation
- program observations and recommendations
- examples of outstanding program implementation

The findings contained within this evaluation report are considered final.

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

#### **Satisfactory with improvements needed**

Questions or comments regarding this evaluation should be directed to **Katrina Valerio**.

<p>The CUPA is required to submit a <b>Deficiency Progress Report every 90 days</b> from the last day the evaluation is conducted, until all deficiencies have been acknowledged as corrected.</p> <p>Each <b>Deficiency Progress Report</b> must include a narrative stating the correction of <u><i>all</i></u> deficiencies identified in the Summary of Findings evaluation report.</p>	<p><b>Deficiency Progress Report submittal dates for the first year following the evaluation are as follows:</b></p> <p><b>Update 1: February 3, 2017</b>  <b>Update 2: May 3, 2017</b>  <b>Update 3: August 3, 2017</b>  <b>Update 4: November 3, 2017</b></p> <p><b>Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.</b></p>
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# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not ensuring that its Participating Agency (PA) is consistently following-up and documenting return to compliance (RTC) for facilities cited with violations in Notices to Comply or inspection reports.</p> <p><u>Hazardous Waste Generator (HWG) Program</u></p> <p>The PA's HWG inspection reports and the California Environmental Reporting System (CERS) indicate that multiple facilities have no return to compliance or became compliant over 30 days from the date of inspection when violations were documented. Examples are provided below:</p> <ul style="list-style-type: none"> <li>• CERS ID: 10439932 was inspected on October 20, 2015, and RTC was documented on September 8, 2016;</li> <li>• CERS ID: 10198618 was inspected on March 6, 2014, and RTC was documented on June 19, 2014;</li> <li>• CERS ID: 10440721 was inspected on January 15, 2016, and RTC was documented on March 30, 2016;</li> <li>• CERS ID: 10122268 was inspected on January 8, 2016, and RTC was documented on September 7, 2016;</li> <li>• CERS ID: 10443895 was inspected on February 2, 2016, and RTC was documented on September 20, 2016;</li> <li>• CERS ID: 10173991 was inspected on February 9, 2016, and RTC was documented on September 14, 2016; and</li> <li>• CERS ID: 10443751 was inspected on February 5, 2016, and RTC was documented on August 4, 2016.</li> </ul>	<p>By February 3, 2017, the CUPA coordinate with its PA and provide CalEPA with a sortable RTC tracking spreadsheet of the total number of facilities that have open violations. At minimum, the spreadsheet will include:</p> <ul style="list-style-type: none"> <li>• Facility name and address;</li> <li>• CERS ID number;</li> <li>• Facility ID number (if applicable);</li> <li>• Inspection and violation dates;</li> <li>• Scheduled RTC date;</li> <li>• Actual RTC date;</li> <li>• RTC qualifier; and</li> <li>• Follow-up actions.</li> </ul> <p>By February 3, 2017, the CUPA will provide CalEPA with a timeframe for when all of the listed facilities will be followed-up with.</p> <p>By May 3, 2017, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet.</p> <p>By August 3, 2017, the CUPA will provide CalEPA with a copy of RTC documentation for 3 facilities from the HWG program element requested by DTSC during the previous quarter.</p>
	<p><b>CITATION:</b></p> <p>HSC, Chapter 6.5, Section 25187.8(b) and (g)  HSC, Chapter 6.11, Section 25404.1.2(c)  CCR, Title 27, Section 15200(a)  CCR, Title 27, Section 15185(a) and (c)  <b>[CalEPA, DTSC]</b></p>	

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

<b>2.</b>	<p><b>DEFICIENCY:</b></p> <p>The CUPA is not correctly assessing the state surcharge fee(s) to all regulated businesses.</p> <p>The CUPA waives certain local and state surcharge fees for city owned UST facilities. There are currently 14 UST systems associated with city owned UST facilities.</p> <p>The CUPA assesses a local hazardous waste fee to those facilities on behalf of its PA. Additionally, the CUPA assesses the CUPA Oversight state surcharge. However, the CUPA does not assess any other local fees or other Unified Program state surcharge fees such as the UST state surcharge or the APSA state surcharge, if applicable. Pursuant to regulation, if any local fee is assessed to a regulated facility then all state surcharge fees are required to be assessed. Some examples include:</p> <ul style="list-style-type: none"> <li>• For fiscal year (FY) 2013-2014 the calculated UST surcharge should have been \$1410. The CUPA billed and remitted \$1260, for a difference of \$150; and</li> <li>• For FY 2014-2015 the calculated UST surcharge should have been \$1395. The CUPA billed and remitted \$1095, for a difference of \$300.</li> </ul> <p><b>CITATION:</b></p> <p>CCR, Title 27, Section 15250(a)(3)  CCR, Title 27, Section 15250(b)(1)  <b>[CalEPA]</b></p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By February 3, 2017, the CUPA will develop, implement, and provide CalEPA with a plan to assess, collect, and remit the state surcharge fee(s) that apply to each city owned UST facility from FY 2013-2014 to current. The plan will include but not be limited to:</p> <ul style="list-style-type: none"> <li>• Identification of all facilities that were not assessed the applicable state surcharge fee(s); and</li> <li>• The steps and timeframes to assess, collect, and remit the correct state surcharge fee(s).</li> </ul> <p>By November 3, 2017, the CUPA will remit the remaining balance of state surcharge fee(s) to the state and provide CalEPA with a copy of each city owned UST facility invoice for the FY 2017-2018 billing cycle that shows the correct assessment of state surcharge fee(s).</p>
<b>3.</b>	<p><b>DEFICIENCY:</b></p> <p>The CUPA is not issuing Unified Program Facility Permits, which includes the UST operating permit, prior to or upon the expiration date of an existing permit.</p> <p>State Water Board review finds permits were not issued prior to or upon the expiration date of an existing permit.</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By February 3, 2017, the CUPA will revise, and provide CalEPA with the procedure for issuing Unified Program Facility Permit, which includes the UST operating permits, to ensure that the CUPA issues permits to facilities in compliance on, or before, the permit expiration date listed on the facility permit.</p> <p>By May 3, 2017, the CUPA will, if necessary, amend the procedure, based on feedback from 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

<p>The CUPAs permit shows an expiration date of June 30. State Water Board review finds permits issued substantially beyond the start date identified in the permit.</p> <p>The following permits issued have a start date of July 1, 2016, with the following issuance dates:</p> <ul style="list-style-type: none"> <li>• CERS ID 10122169 - issued September 12, 2016;</li> <li>• CERS ID 10122172 - issued September 12, 2016; and</li> <li>• CERS ID 10172961 - issued September 12, 2016.</li> </ul> <p>The following permits issued have a start date of July 1, 2015, with the following issuance dates:</p> <ul style="list-style-type: none"> <li>• CERS ID 10123966 - permit issued September 14, 2015;</li> <li>• CERS ID 10173987 - permit issued September 14, 2015; and</li> <li>• CERS ID 10174387 - permit issued September 14, 2015.</li> </ul> <p>The CUPA's Policy and Procedure Manual, section 1.3, Unified Program Consolidated Permit, D. Permit Issuance, states "In July of each year, a consolidated invoice and e-mail requesting an electronic update is sent to each CUPA business." This leaves the facility owner/operator out of compliance beginning July 1<sup>st</sup> until such time as the permit is issued.</p> <p>State Water Board notes the permits issued to facility owner/operators state the facility may continue to operate under the issued permit until September 30 of the following year. This language is in direct conflict with the expiration date identified in the permit.</p>	<p>By June 5, 2017, the CUPA will implement and train personnel on the revised procedure.</p> <p>By August 3, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel attending training.</p> <p>Thirty days after the next permit issuance cycle the CUPA will identify and provide CalEPA with a list of UST facilities (CERS ID and facility name) which have been issued permits.</p> <p>Ninety days after the next permit issuance cycle the CUPA will provide CalEPA copies of (10) permits, as selected by State Water Board.</p>
<p><b>CITATION:</b></p>	
<p>HSC, Chapter 6.7, Section 25284(a) CCR, Title 23, Section 2712(c) <b>[State Water Board]</b></p>	

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

<p><b>4.</b></p>	<p><b>DEFICIENCY:</b></p> <p>The CUPA’s Inspection and Enforcement (I&amp;E) Plan has inaccurate or incomplete information or is missing required components.</p> <ul style="list-style-type: none"> <li>• Provisions for addressing complaints including, but not limited to, the receipt, investigation, and closure of the complaint.</li> <li>• Page 4, inspection frequencies for the Permit-by-Rule (PBR), Conditional Authorization, and Conditional Exemption categories of the HWG program need to be updated to read, “Initial inspection within two (2) years of notification and every three (3) years thereafter.”</li> <li>• Page 4, an inspection frequency for Generators (all), RCRA Large Quantity Generators, and Recyclers has not been identified.</li> <li>• Page 4, incorrectly references Health and Safety Code (HSC), Section 25270.6 for required Aboveground Petroleum Storage Tank (APSA) inspection frequencies. The citation should be HSC, Section 25270.5.</li> <li>• Page 14 and 15, references language from HSC Section 25270.3. The language has since changed to include tanks in underground areas and should be updated accordingly in the I&amp;E Plan.</li> </ul> <p><b>CITATION:</b></p> <p>CCR, Title 27, Section 15200 [CalEPA, DTSC]</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By February 3, 2017, the CUPA will review, revise, and provide CalEPA with a copy of the corrected I&amp;E Plan that includes the components listed in this deficiency.</p>
<p><b>5.</b></p>	<p><b>DEFICIENCY:</b></p> <p>The CUPA is not submitting Surcharge Transmittal Reports to the state by the required due date for each fiscal quarter.</p> <ul style="list-style-type: none"> <li>• FY 2013-2014, the second fiscal quarter was combined and sent with the third fiscal quarter on April 10, 2014. The fourth fiscal quarter was combined and sent with the first fiscal quarter of FY 2014-2015 on October 29, 2014.</li> </ul>	<p><b>CORRECTIVE ACTION:</b></p> <p>By January 30, 2017, the CUPA will prepare the next quarterly Surcharge Transmittal Report and submit it to the state. Thereafter, the CUPA will prepare and submit quarterly Surcharge Transmittal Reports to the state no later than 30 days after the end of each fiscal quarter.</p> <p>By February 3, 2017, and with each Deficiency Progress Report thereafter, the CUPA will provide CalEPA with a copy of the Surcharge Transmittal Report for the previous fiscal quarter.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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#### DEFICIENCIES IDENTIFIED DURING EVALUATION

<ul style="list-style-type: none"><li>• FY 2014-2015, the second, third, and fourth fiscal quarters were combined and sent after the end of that fiscal year on August 12, 2015.</li><li>• FY 2015-2016, the second, third, and fourth fiscal quarters were combined and sent after the end of that fiscal year on September 13, 2016.</li></ul>	
<b>CITATION:</b>	
CCR, Title 27, Section 15250(b)(1) <b>[CalEPA]</b>	

# 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.*

<b>1.</b>	<b>OBSERVATION:</b> The CUPA's website, CUPA Program Element Summaries, contains a link to download an outdated Tier II Spill Prevention Control and Countermeasure (SPCC) Plan template. OSFM has developed an updated Tier II SPCC Plan template that addresses all requirements of a Tier II qualified facility. The updated Tier II SPCC Plan template can be found at <a href="http://osfm.fire.ca.gov/cupa/pdf/CALFIRE-OSFM_TierII_SPCC_PlanTemplate.pdf">http://osfm.fire.ca.gov/cupa/pdf/CALFIRE-OSFM_TierII_SPCC_PlanTemplate.pdf</a> .
	<b>RECOMMENDATION:</b> OSFM recommends that the CUPA replace the Tier II SPCC Plan template on their website with the updated template developed by OSFM.
<b>2.</b>	<b>OBSERVATION:</b> The CUPA's area plan does not reference the currently adopted fire code and incorrectly references APSA. <ul style="list-style-type: none"><li>• Throughout the document, the Uniform Fire Code was referenced. The currently adopted fire code is the California Fire Code.</li><li>• Pages 19 and 20, Section 4 for aboveground storage tanks (AST) incorrectly references the Federal SPCC rule by stating that under Federal regulations, a facility is required to complete an SPCC plan if an AST contains a petroleum based product and has a capacity of 1,360 gallons or more. The Federal rule regulates all oils and a minimum storage capacity of greater than 1,320 gallons.</li></ul>
	<b>RECOMMENDATION:</b> OSFM recommends that the CUPA update their area plan to reference the current fire code. The CUPA should also update the language in the aboveground storage tank section on page 19 and 20 to reflect APSA requirements and the CUPA's authority to administer and implement the APSA program under the state law. The authority to administer Federal SPCC rule has not been delegated to the CUPA.
<b>3.</b>	<b>OBSERVATION:</b> The CUPA's Policy and Procedure Manual, Procedure 1.9 for the APSA program, identifies two types of APSA facilities, Tier I (1,320 gallons – 9,999 gallons) and Tier II (10,000 gallons or more). Although this may be the CUPA's internal method to categorize APSA facilities, this naming mechanism (Tier I and Tier II) can be easily confused with the Federal SPCC rule's tiers for qualified facilities.
	<b>RECOMMENDATION:</b> OSFM recommends the CUPA clarify that their Tier I and Tier II categories are different from the Federal SPCC rule's qualified facility Tier I and Tier II or use a different term to refer to their internal categories for APSA facilities.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

<b>4.</b>	<p><b>OBSERVATION:</b></p> <p>State Water Board attended one oversight inspection with the City of Santa Monica Fire Department on Thursday, July 28, 2016.</p> <p>State Water Board observed the inspector perform a complete inspection including verification of equipment functionality, onsite record review, verification of test technician’s training and certification, and CERS verification. The Inspector and State Water Board arrived onsite shortly after the annual monitoring certification had commenced, the site was opened up and the spill buckets filled with water.</p> <p><b>RECOMMENDATION:</b></p> <p>State Water Board recommends that the CUPA continue working with the tank testers to ensure CUPA arrival prior to the start of any testing. While there was no obvious sheen on the water in the spill bucket, the bucket did have debris and appeared dirty. As neither the CUPA nor State Water Board was on site when spill buckets were filled, a five-gallon capacity cannot be confirmed. Further, State Water Board has noted over time spill buckets may not meet the statutory requirement of a 5-gallon capacity. Spill buckets may have been compressed or the manufacturer may not have accounted for fluid displacement due to installation of the fill tube and cap.</p>
<b>5.</b>	<p><b>OBSERVATION:</b></p> <p>State Water Board review of CERS indicates a few instances of accepted CERS submittals include data which may be incorrect and which should be reviewed and verified by the CUPA. Examples include, but are not limited to:</p> <ul style="list-style-type: none"><li>• Vacuum, pressure, or hydrostatic (VPH) systems listed as having single-wall components when they should be double-wall. CERS IDs: 10198618 (1-87, 2,87, 3-91, 4-Diesel), and 10123999 (0).</li><li>• VPH systems listed as requiring periodic secondary containment testing when none is required. CERS IDs: 10198618 (1-87, 2,87, 3-91, 4-Diesel), and 10123999 (0).</li><li>• UST systems without a UST system install date. CERS IDs: 10124281 (44045526, 19033-600314-000001), and 10173047 (1 - 3), 10173173 (1 - 3).</li></ul> <p><b>RECOMMENDATION:</b></p> <p>State Water Board recommends that the CUPA review CERS submittals to ensure tank and monitoring plan information is accurate.</p>
<b>6.</b>	<p><b>OBSERVATION:</b></p> <p>State Water Board review of facility files finds the language used by the CUPA in post annual compliance inspection correspondence to facility owner/operators implies a violation where none exists. Below are examples:</p> <ul style="list-style-type: none"><li>• Correspondence with CERS ID 10174387, dated June 6, 2016, states “Although not subject to administrative fines, listed below you will find conditions observed during the on-site inspection in violation of compliant operation of the underground storage tank system which may be subject to financial penalties in the future.” The correspondence goes on to list four (4) violations of compliant operation including: “CA: Please be advised that the next secondary containment test shall be</li></ul>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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#### OBSERVATIONS AND RECOMMENDATIONS

	<p>performed on or before <u>December 3, 2017</u>." State Water Board notes the facility owner/operator is currently in compliance, the testing date is approximately 18 months in the future and this should be a reminder to the owner/operator.</p> <ul style="list-style-type: none"><li>• Correspondence with CERS ID 10122169, dated May 25, 2016, states "Although not subject to administrative fines, listed below you will find conditions observed during the on-site inspection in violation of compliant operation of the underground storage tank system which may be subject to financial penalties in the future." The correspondence goes on to list ten (10) violations of compliant operation including: "CA: Please be advised that the next secondary containment test shall be performed on or before May 21, 2018."</li></ul>
	<p><b>RECOMMENDATION:</b></p>
	<p>State Water Board recommends that the CUPA clearly separate any provided notification of upcoming required tests from violations.</p>
<b>7.</b>	<p><b>OBSERVATION:</b></p>
	<p>State Water Board review of facility files finds one (1) annual monitoring certification test report missing from the fifteen (15) facilities reviewed. UST testing and leak detection document for the annual monitoring certification test on June 9, 2016, which is required to be submitted within 30 days of testing, was identified by the CUPA in correspondence to the facility owner/operator with a corrective action to be submitted by September 13, 2016. The CUPA also notes this is a repeat violation from 2015.</p>
	<p><b>RECOMMENDATION:</b></p>
	<p>State Water Board recommends that the CUPA use appropriate enforcement options to obtain compliance from the facility owner/operator.</p>
<b>8.</b>	<p><b>OBSERVATION:</b></p>
	<p>It appears that the CUPA's PA has advised the Permanent Household Hazardous Waste Collection Facilities (PHHWCFs) and the Schools Hazardous Waste Collection, Consolidation, and Accumulation Facilities (SHWCCAF) to submit onsite tiered permit (TP) notifications in CERS. Onsite TP notifications are for the treatment of onsite generated waste, whereas PHHWCF is for waste collected from households and conditionally exempt small quantity generators and SHWCCAF is for waste collected from schools.</p>
	<p><b>RECOMMENDATION:</b></p>
	<p>DTSC recommends that the CUPA's PA advise PHHWCFs and SHWCCAFs to submit only relevant facility information in CERS and then submit a notification to the CUPA as per CCR, Title 22, Section 67450.25(a). In addition, there is no requirements for the PHHWCFs (CCR, Title 22, section 66270.60(d)(6)) or SHWCCAFs to submit a PBR notification annually unless changes occur.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

#### 9. OBSERVATION:

On September 29, 2016, DTSC conducted two HWG oversight inspections with an inspector from the PA. The first inspection occurred at CERSID: 10172881 which is a large quantity generator. During the inspection, the inspector conducted a thorough and complete inspection. The inspector was prepared for the inspection, established rapport with the facility owners/operators, toured the entire site, requested required documentation, identified all violations, and answered questions regarding hazardous waste laws and regulations accurately. Consent was documented on the inspection report, however, was not obtained verbally at the start of the inspection.

The second inspection occurred at CERS ID: 10130752 and 10173003, which is a small quantity generator. The inspector was prepared for the inspection, established rapport with the facility owners/operators, and requested required documentation. The inspector answered questions regarding hazardous waste laws and regulations accurately. During the inspection, the inspector identified all violations, however, following the inspection, the inspector did not thoroughly and properly document and classify the violations in the inspection report (see below). Further, the observations and factual basis for the violations that were documented on the inspection report were lacking detail. More detailed observations and evidence is needed. Consent was documented on the inspection report, however, was not obtained verbally at the start of the inspection.

The following are examples of misclassified violations:

- 1) "Failure to ensure employees are familiar with the handling and compliance of hazardous waste regulations and emergency response", classified as a minor violation. This is a non-minor violation.
- 2) "Failure to properly label hazardous waste accumulation containers with the following requirements: "Hazardous Waste", name and address of the generator, physical and chemical characteristics of the Hazardous Waste, and starting accumulation date", classified as a minor, however, this is a reoccurring violation and therefore should be a non-minor violation.
- 3) "Failure to inspect hazardous waste storage areas at least weekly", classified as a minor violation. This is a non-minor violation.
- 4) "Failure of the universal waste handler to initially train and provide annually, thereafter, all personnel who manage or who supervise those who manage universal wastes and to maintain a written record by date indicating the names of personnel who received the information...", classified as a minor violation. This is a non-minor violation.

This was the only example observed of the PA misclassifying violations during the evaluation including oversight inspections and facility file review.

#### RECOMMENDATION:

DTSC recommends that the PA verbally request consent to conduct the inspection before beginning the inspection.

DTSC recommends that the PA view the violation classification video below and train personnel on when and how to properly cite violations during routine compliance inspections.

Violation Classification:

- [Violation Classification Training Video 2014](#)
- [Violation Classification Guidance Fact Sheet – for citing HWG violations.](#)

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

<b>10.</b>	<b>OBSERVATION:</b>  To ensure that all APSA requirements have been met, the CUPA utilizes the CUPA Forum Board's standardized APSA inspection checklists as a field reference when conducting an APSA inspection. However, the CUPA does not keep a record of the checklist for each inspection. After an inspection, the CUPA issues a report summary that lists violations, if any. The CUPA is looking to transition to an electronic, field reporting format that would include the comprehensive violation library in the future.
	<b>RECOMMENDATION:</b>  OSFM supports the CUPA's intention to move towards an electronic, field reporting format that would include the comprehensive violation library. OSFM recommends that the CUPA remain up-to-date with the progress of the CUPA Forum Board's Inspection Checklist Project to see if it may become useful for the CUPA.
<b>11.</b>	<b>OBSERVATION:</b>  RTC data for APSA violations were not always consistently uploaded to CERS. Moreover, the following two facilities in CERS were inactive but still had open APSA violations: <ul style="list-style-type: none"><li>• CERS ID: 10174053</li><li>• CERS ID: 10174021</li></ul> These violations should be closed out with the appropriate qualifier when the facility is no longer regulated.
	<b>RECOMMENDATION:</b>  OSFM recommends that the CUPA review their data management procedures to ensure that RTC information is routinely uploaded to CERS. Also, when the CUPA inactivates a facility in CERS, they should make sure all violations are also closed out.
<b>12.</b>	<b>OBSERVATION:</b>  The CUPA has jurisdiction over 19 APSA facilities, with one facility storing 10,000 gallons or more of petroleum. The facility storing 10,000 gallons or more of petroleum has been inspected in the last three years. The CUPA has also inspected 13 of the 18 APSA facilities storing less than 10,000 gallons within the last three years. This inspection frequency is more stringent than what is mandated in statute.
	<b>RECOMMENDATION:</b>  OSFM recommends that the CUPA continue to allocate resources towards conducting APSA inspections, when available. This will ensure that tank facilities are in compliance with the SPCC Plan requirements of APSA to prevent discharges to the environment.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

**1. LOCAL COORDINATION AMONG NEIGHBORING CUPAS:**

The CUPA effectively coordinates with all CUPAs in Los Angeles County and is a member of the Los Angeles County CUPA Coordinating Committee (LAC4). The committee meets quarterly to discuss current events, forecast and plan county related activities, and mitigate local events regarding the Unified Program in a consistent and coordinated manner. Inspection and enforcement options are discussed, inter-CUPA disputes are resolved, jurisdictional conflicts are clarified, and any other pertinent issues that arise are addressed.

**2. USE OF TECHNOLOGY AND CUPA WEBSITE:**

The CUPA developed an interactive website that is easy to navigate, informs public and the regulated community of the Unified Program, and has links to CERS and outreach material archived on the website. The CUPA developed a public use email account inbox advertised on the CUPA's website. The CUPA regularly responds to comments, concerns, and questions about the Unified Program submitted by email. They have found it to be an effective use of resources and technology to deliver information to the public. The website also allows public and regulated businesses to register with the fire department's link of local alerts occurring in the city.