



Edmund G. Brown Jr.  
*Governor*

Matthew Rodriguez  
*Secretary for Environmental Protection*

Certified Mail: 7015 1730 0001 0036 7241

April 27, 2017

Mr. Tim Potanovic, Director  
Tehama County  
Department of Environmental Health  
633 Washington Street, Room 36  
Red Bluff, California 96080-3355

Dear Mr. Potanovic:

On February 2, 2017, the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC), the California Office of Emergency Services (Cal OES), the CAL FIRE - Office of the State Fire Marshal (OSFM), and the State Water Resources Control Board (State Water Board) completed a Unified Program evaluation of the Tehama County Environmental Health Certified Unified Program Agency (CUPA). The evaluation comprised of a remote assessment and oversight inspections.

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

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

Deficiency Progress Reports are due every 90 days from the last day of the evaluation to document progress of the CUPA towards correcting identified deficiencies. Due to the delay with finalizing the Summary of Findings, the first Deficiency Progress Report is due June 27, 2017. Submittal of Deficiency Progress Reports is required until all identified deficiencies have been corrected. Each Deficiency Progress Report should be emailed as a Microsoft Word document file to the team lead, [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. Tim Potanovic, Director  
Page 2

During the evaluation, CalEPA also noted the CUPA has worked to bring about a number of local program innovations, including education and outreach to regulated businesses regarding electronic reporting.

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 sent via email

Ms. Lauri Dilworth, REHS II  
Tehama County  
Department of Environmental Health  
633 Washington Street, Room 36  
Red Bluff, California 96080-3355

Ms. Lisa Jensen  
Environmental Scientist  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100

Mr. Glenn Warner  
Senior Environmental Scientist, Specialist  
CAL FIRE - Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460

Mr. Fred Mehr  
Environmental Scientist  
California Office of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655-4203

Mr. Tim Potanovic, Director  
Page 3

cc sent via email

Mr. Kevin Abriol  
Environmental Scientist  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2721

Ms. Laura Fisher, Chief  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100

Ms. Diana Peebler  
Senior Environmental Scientist, Supervisor  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2721

Mr. Ben Ho, Chief  
CAL FIRE - Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460

Mr. Larry Collins, Chief  
California Office of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655-4203

Mr. Jack Harrah  
Senior Emergency Services Coordinator  
California Office of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655-4203

Mr. John Paine  
Unified Program Manager  
California Environmental Protection Agency

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

## CERTIFIED UNIFIED PROGRAM AGENCY

### **FINAL SUMMARY OF FINDINGS**

<b>EVALUATION YEAR:</b>	<b>2017</b>	<b>REVIEW PERIOD:</b>	<b>December 12, 2016 – February 2, 2017</b>	<b>ISSUANCE DATE:</b>	<b>April 27, 2017</b>
<b>CUPA:</b>	Tehama County Environmental Health				
<b>EVALUATION TEAM MEMBERS:</b>	<b>CalEPA Team Lead</b>	<b>DTSC</b>	<b>Cal OES</b>	<b>SWRCB</b>	<b>CAL FIRE - OSFM</b>
	Katrina Valerio	Kevin Abriol	Fred Mehr	Lisa Jensen	Glenn Warner

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.

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. Due to a delay in the final report, CalEPA will require the first update to be submitted 60 days after the issuance of the final report and every 90 days thereafter.

Each **Deficiency Progress Report** must include a narrative stating the correction of **all** deficiencies identified in the Summary of Findings evaluation report.

**Deficiency Progress Report submittal dates for the first year following the evaluation are as follows:**

**Update 1: June 27, 2017**

**Update 2: September 27, 2017**

**Update 3: December 27, 2017**

**Update 4: March 27, 2018**

**Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.**

# 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 report all inspection, violation, and enforcement, also known as CME, information to the California Environmental Reporting System (CERS).</p> <p>The CUPA has not reported the majority of inspection, violation and enforcement information for Fiscal Years (FYs) 2013/2014 and 2014/2015 to CERS.</p> <p><u>FY 2014/2015</u></p> <ul style="list-style-type: none"> <li>• Hazardous Materials Business Plan (Business Plan) <ul style="list-style-type: none"> <li>○ 86 routine inspections conducted, 29 reported.</li> <li>○ 11 other inspections conducted, 0 reported.</li> </ul> </li> <li>• Underground Storage Tank (UST) <ul style="list-style-type: none"> <li>○ 42 routine inspections conducted, 30 reported.</li> <li>○ 21 other inspections conducted, 1 reported.</li> </ul> </li> <li>• Aboveground Petroleum Storage Act (APSA) <ul style="list-style-type: none"> <li>○ 17 inspections conducted, 8 reported.</li> </ul> </li> <li>• Hazardous Waste Generator (HWG) <ul style="list-style-type: none"> <li>○ 17 routine inspections conducted, 13 reported.</li> </ul> </li> </ul> <p><u>FY 2013/2014</u></p> <ul style="list-style-type: none"> <li>• Business Plan <ul style="list-style-type: none"> <li>○ 97 routine inspections conducted, 10 reported</li> <li>○ 11 other inspections conducted, 0 reported.</li> </ul> </li> <li>• UST <ul style="list-style-type: none"> <li>○ 39 routine inspections conducted, 5 reported</li> <li>○ 7 other inspections conducted, 0 reported.</li> </ul> </li> <li>• APSA <ul style="list-style-type: none"> <li>○ 17 routine inspections conducted, 3 reported</li> </ul> </li> </ul>	<p>By June 27, 2017, the CUPA will develop, implement, and provide CalEPA with a plan for reporting inspection, violation, and enforcement information to CERS for FYs 2013/2014 and 2014/2015. The action plan will include:</p> <ul style="list-style-type: none"> <li>• A description the steps necessary to address and correct this deficiency;</li> <li>• A timeline for correction.</li> </ul> <p>By June 27, 2017, the CUPA will also revise and provide CalEPA with the Data Management Procedure or other applicable procedure to ensure CUPA personnel consistently and correctly report CME data to CERS.</p> <p>By September 27, 2017, the CUPA will, if necessary, amend the procedure, based on feedback from the state agencies and submit the revisions to CalEPA.</p> <p>By October 27, 2017, the CUPA will implement and train personnel on the procedure.</p> <p>By December 27, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of CUPA personnel attending training.</p> <p>By December 27, 2017, the CUPA will begin reporting CME data to CERS that was not reported since July 1, 2013.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"><li>○ 4 other inspections conducted, 0 reported.</li><li>• HWG<ul style="list-style-type: none"><li>○ 56 routine inspections conducted, 2 reported</li><li>○ 1 other inspections conducted, 0 reported.</li></ul></li><li>• Cal ARP<ul style="list-style-type: none"><li>○ 1 routine inspections conducted, 0 reported</li></ul></li></ul> <p>A comparison of information in the CUPA’s facility files, administrative documents, data management system, and CERS shows that CME data were not always reported consistently and correctly. The following are examples:</p> <ul style="list-style-type: none"><li>• CERS Identification (ID) 10619104 – HMRRP inspection performed 8/5/2015, which included an APSA inspection and one APSA violation per facility file. CERS has a record of the violation, but no record of the APSA inspection.</li><li>• CERS ID 10489813 – Inspection performed 3/31/2014 with one violation per facility file. No inspection or violation data have been entered in CERS.</li></ul>	
	<b>CITATION:</b>	
	HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15290(b) CCR, Title 27, Section 15187(c) <b>[CalEPA, OSFM]</b>	

2.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA’s Inspection and Enforcement (I&amp;E) Plan has inaccurate information or is missing required components.</p> <p>The plan is missing the following components:</p> <ul style="list-style-type: none"><li>• Provisions for addressing complaints including but not limited to the receipt, investigation, enforcement, and closure of a complaint.</li></ul>	<p>By July 27, 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>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

<ul style="list-style-type: none"><li>• Inspection frequency for Hazardous Waste Treatment Activities that includes the requirement to complete the initial inspection within two years of notification.</li><li>• Return to compliance (RTC) provisions for the APSA program element;</li><li>• There is no established RTC timeframe for APSA violations listed in Inspection Section VIII-C-11 (RTC timeframes). Pursuant to Health and Safety Code (HSC) Section 25404.1.2(c), facilities with minor violations should not have more than 30 days to RTC.</li></ul> <p>The I&amp;E Plan contains the following inaccurate information:</p> <ul style="list-style-type: none"><li>• There is an incorrect reference to HSC Section 25270.5 for APSA violations listed in the Enforcement Section I (Statutory Authority) and Enforcement Section XI-C-6 (Initial Penalties). This section is the mandated inspection frequency. The correct reference should be HSC Chapter 6.67, commencing with Section 25270.</li><li>• Inspection Section III (Frequency of Inspections) – the mandated inspection frequency for the APSA program is shown as once every three years per HSC Section 25270.5(a). The mandated inspection frequency is applicable to facilities with 10,000 gallons or more of petroleum; however, the CUPA has the authority to develop an alternative inspection plan per HSC Section 25270.5(b).</li></ul>	
<b>CITATION:</b>	
CCR, Title 27, Section 15200(a) [CalEPA, OSFM, DTSC]	

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

<p><b>3. DEFICIENCY:</b></p> <p>The CUPA's Unified Program administrative procedures are missing the following necessary components:</p> <ul style="list-style-type: none"> <li>• Data management procedure <ul style="list-style-type: none"> <li>○ Collection retention, and management of electronic data and documents;</li> <li>○ Transfer and exchange of electronic data through an applicable local information system;</li> <li>○ Reporting of electronic data.</li> </ul> </li> <li>• Financial management procedure <ul style="list-style-type: none"> <li>○ Fee accountability program</li> </ul> </li> </ul> <p><b>CITATION:</b></p> <p>CCR, Title 27, Section 15180(e) [CalEPA]</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By June 27, 2017, the CUPA will revise and provide CalEPA with a copy of the procedures listed in this deficiency.</p> <p>By September 27, 2017, the CUPA will, if necessary, amend the procedures, based on feedback from the state and submit the revisions to CalEPA</p> <p>By October 27, 2017, the CUPA will implement and train personnel on the revised procedure.</p> <p>By December 27, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel attending training.</p>
<p><b>4. DEFICIENCY:</b></p> <p>The CUPA is not remitting Surcharge to the state by the required due date for each fiscal quarter.</p> <ul style="list-style-type: none"> <li>• FY 2013/2014 <ul style="list-style-type: none"> <li>○ Fiscal Quarter 2 submitted 2/19/2014</li> <li>○ Fiscal Quarter 3 submitted 9/19/2014</li> <li>○ Fiscal Quarter 4 submitted 9/19/2014</li> </ul> </li> <li>• FY 2014/2015 <ul style="list-style-type: none"> <li>○ Fiscal Quarter 1 submitted 11/18/2014</li> <li>○ Fiscal Quarter 2 submitted 3/1/2014</li> <li>○ Fiscal Quarter 4 submitted 10/27/2015</li> </ul> </li> <li>• FY 2015/2016 <ul style="list-style-type: none"> <li>○ Fiscal Quarter 3 submitted 6/10/2016</li> <li>○ Fiscal Quarter 4 submitted 9/7/2016</li> </ul> </li> <li>• FY 2016/2017 <ul style="list-style-type: none"> <li>○ Fiscal Quarter 1 submitted 12/5/2016</li> </ul> </li> </ul> <p><b>CITATION:</b></p> <p>CCR, Title 27, Section 15250(b)(1) [CalEPA]</p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By April 30, 2017, the CUPA will prepare and submit to the state the next quarterly Surcharge Transmittal Report. 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 June 27, 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

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

<p><b>5. DEFICIENCY:</b></p> <p>The CUPA is not consistently ensuring and documenting that all facilities RTC.</p> <p>Examples below are based on a review data from CERS:</p> <ul style="list-style-type: none"> <li>• Business Plan <ul style="list-style-type: none"> <li>○ FY 2015/2016: 31 of 62(50%) are without documentation of RTC.</li> </ul> </li> <li>• UST <ul style="list-style-type: none"> <li>○ FY 2015/2016: 21 of 67 (31%) are without documentation of RTC</li> </ul> </li> <li>• APSA <ul style="list-style-type: none"> <li>○ FY 2015/2016: 6 of 10 (60%) are without documentation of RTC.</li> <li>○ FY 2014/2015: 2 of 5 (40%) are without documentation of RTC</li> </ul> </li> <li>• HWG <ul style="list-style-type: none"> <li>○ FY 2015/2016: 12 of 25(48%) are without documentation of RTC.</li> </ul> </li> </ul> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.11, Section 25404.1.2(c) CCR, Title 27, Sections 15185(a) and (c) CCR, Title 27, Section 15200(a) and (e) <b>[CalEPA, OSFM, DTSC]</b></p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By June 27, 2017, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of the total number of facilities that have open violations. 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 September 27, 2017, the CUPA will provide CalEPA with a timeframe for documenting when followed-up will occur.</p> <p>By December 27, 2017, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet.</p> <p>By March 27, 2018, the CUPA will provide CalEPA with a copy of RTC documentation for 3 facilities from each program element requested by the state agencies during the previous quarter.</p>
<p><b>6. DEFICIENCY:</b></p> <p>The CUPA is not addressing every complaint referred to them by the state.</p> <p>The following complaint numbers are referred to the CUPA but have not been addressed:</p> <p><u>2014 Examples</u> CASE #: 14-0314-0129 CASE #: 14-1214-0577</p> <p><u>2015 Example</u> CASE #: 15-1215-0652</p> <p><b>CITATION:</b></p> <p>CCR, Title 27, Section 15200(a)(13) <b>[CalEPA, DTSC]</b></p>	<p><b>CORRECTIVE ACTION:</b></p> <p>By June 27, 2017, the CUPA will address each complaint listed in this deficiency and any others referred to the CUPA. The CUPA will provide CalEPA with a copy of follow-up documentation and explain the outcome for each complaint.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

7. DEFICIENCY:	CORRECTIVE ACTION:
<p>The CUPA is not properly classifying HWG violations.</p> <p>In some cases, the CUPA is citing storage of HWG longer than 90/180 days as a minor violations, when it actually a Class I or II. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from The Department. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in Health and Safety Code. The following are examples:</p> <ul style="list-style-type: none"> <li>• CERS ID 10619104 - HWG inspection conducted on 8/5/2015.</li> <li>• CERS ID 10440652 - HWG inspection conducted on 5/26/2016.</li> <li>• CERS ID 10621570 - HWG inspection conducted on 6/1/2016.</li> </ul> <p>Note: During the Question and Answer (Q &amp; A) Meeting between the CUPA and evaluation team, the CUPA expressed that the issue may be attributed to the CUPAs data management system automatically classifying violations based on violation codes.</p> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.5, Sections 25110.8.5, 25117.6 CCR, Title 22, Sections, 66260.10, 66262.34(a)(4) [DTSC]</p>	<p>By June 27, 2017, the CUPA will train staff on the terms: minor, Class I, and Class II violations, as described in HSC, Chapter 6.5, Sections 25110.8.5, 25117.6 and CCR, Title 22, Section 66260.10. Also, the CUPA will review the violation classification video, violation classification guidance fact sheet, and train personnel on when and how to properly cite violations for each program element during routine compliance inspections. The CUPA will provide CalEPA with proof of training.</p> <p>Violation Classification:</p> <ul style="list-style-type: none"> <li>• <a href="#">Violation Classification Training Video 2014</a></li> <li>• <a href="#">Violation Classification Guidance Fact Sheet – for citing HWG violations.</a></li> </ul> <p>Also by June 27, 2017, the CUPA will have determined if the default settings in their data management system is the main reason for violation misclassifications. The CUPA will provide CalEPA with a revised data management procedure that includes a section for editing violation classifications after violations have been entered into the CUPA's data management system, or a narrative description describing the changes made to the default setting in their data management system.</p> <p>By September 27, 2017, the CUPA will provide CalEPA with a copy of three (3) inspection reports for facilities cited with hazardous waste violations that were inspected within the last six months.</p>
8. DEFICIENCY:	CORRECTIVE ACTION:
<p>The CUPA is not always conducting complete HWG inspections.</p> <p>DTSC conducted HWG oversight inspection with both HWG inspectors for Tehama County and observed one of two inspectors did not conduct a complete inspection.</p>	<p>By June 27, 2017, the CUPA will review the HWG fact sheets linked below. Additionally, the CUPA will provide CalEPA with a narrative document stating that the CUPA inspectors have viewed all of the training material and will include a signature from the inspector and the date the training was completed.</p> <p>By June 27, 2017, the CUPA will provide RTC information for the facility listed in the deficiency.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

<p>During the HWG inspection of CERS ID# 10503535, conducted on 12/15/2016, the CUPA inspector demonstrated a lack of knowledge of several HWG requirements. The inspector did not ask facility staff all appropriate questions, did not demonstrate a clear understanding of the similarities/differences between SQG and LQG requirements, did not check to see whether containers were open, and missed the following violations until consulting with the DTSC evaluator.</p> <ul style="list-style-type: none"> <li>Two used oil drums had open bungs at the time of the inspection.</li> <li>One drum containing brake grindings and labeled hazardous waste had exceeded the hazardous waste storage accumulation time.</li> </ul> <p><b>CITATION:</b></p> <p>CCR, Title 22, Section, 66260.10, 66262.34(d)(2); CFR, Title 40, Sections 262.34(d)(2), 265.173 [DTSC]</p>	<p>Training Material:</p> <ul style="list-style-type: none"> <li><a href="#">Generator Requirements Fact Sheet</a></li> <li><a href="#">Accumulation Time Fact Sheet</a></li> <li><a href="#">Universal Waste Fact Sheet</a></li> </ul>
9. DEFICIENCY:	CORRECTIVE ACTION:
<p>The CUPA is not consistently ensuring that all appropriate UST related information in CERS is accurate and complete.</p> <p>State Water Board review of UST facility submittals in CERS shows the CUPA is accepting inaccurate or incomplete UST related information in CERS. The following are examples:</p> <ul style="list-style-type: none"> <li>UST systems installed after July 1, 2004, have construction information indicating one or more single-wall components. All UST systems installed after July 1, 2004 are required to be double-wall construction. <ul style="list-style-type: none"> <li>CERS ID 10165861 - (tanks 1,2),</li> <li>CERS ID 10483642 - (tank 3), and</li> <li>CERS ID 10575070 - (tanks 001,002)</li> </ul> </li> </ul>	<p>By June 27, 2017, the CUPA will revise and provide CalEPA with the Data Management Procedure, or other applicable procedure, to ensure the CUPA accepts accurate and complete UST information.</p> <p>The procedure will delineate the CUPA's process for managing CERS UST submittals including but not limited to:</p> <ul style="list-style-type: none"> <li>A process for reviewing and not accepting CERS submittals; AND</li> <li>A process for reviewing and accepting only accurate and complete CERS submittals; OR</li> <li>A process for reviewing and accepting submittals with minor errors: <ul style="list-style-type: none"> <li>A condition is set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe;</li> <li>If the submittal is not corrected, personnel will change the submittal status from "accept" to "not accept."</li> </ul> </li> </ul>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

<ul style="list-style-type: none"><li>• Double-wall UST systems installed between January 1, 1984 and June 30, 2004 with Periodic Secondary Containment testing shown as not necessary. All double-wall systems installed between January 1, 1984 and June 30, 2004 are required to have periodic secondary containment testing:<ul style="list-style-type: none"><li>○ CERS ID 10149241 - (tanks D-1 to D-4,5,6),</li><li>○ CERSID 10173909 - (tank 4),</li><li>○ CERSID 10459753 - (tank 2,3)</li></ul></li><li>• USTs that show no installed striker plate/bottom protectors. As part of the UST upgrade requirements and current UST construction requirements, striker plates/bottom protection installation is required:<ul style="list-style-type: none"><li>○ CERS ID 10206691 - (tanks 1-3),</li><li>○ CERS ID 10473178 - (tanks 1-4),</li><li>○ CERS ID 10575070 - (tanks 001,002)</li></ul></li><li>• CERS submittals do not include UST Owner/Operator Written Agreement and do not state the facility is exempt from having an agreement:<ul style="list-style-type: none"><li>○ CERS ID 10459753 - includes Response Plan and two 2013 Designated Operator Compliance pages.</li><li>○ CERS ID10472380, and</li><li>○ CERS ID 10473178.</li></ul></li><li>• UST Monitoring Site Plan is missing or does not contain all required UST elements (including: monitoring system control panels: sensors monitoring tank annular spaces, sumps. dispenser pans, spill containers. or their secondary containment areas: mechanical or electronic line leak detectors: and in-tank liquid level probes (If used for leak detection):<ul style="list-style-type: none"><li>○ CERS IDs 10149241,</li><li>○ CERS ID 10339333, and</li><li>○ CERS ID 10482658.</li></ul></li><li>• CERS Designated Operator (DO) documentation does not list currently certified DO.:</li></ul>	<p>By September 27, 2017, the CUPA will, if necessary, amend the procedure, based on feedback from State Water Board and will submit the revisions to CalEPA.</p> <p>By October 27, 2017, the CUPA will implement and train personnel on the revised procedure.</p> <p>By December 27, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel in attendance.</p> <p>With respect to submittals already accepted in CERS, the CUPA will review UST related information and require accurate and complete submittals when the next submittal is made, but no later than the next annual UST facility compliance inspection.</p>
---	---

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"> <li>○ CERS ID 10575070 - lists owner name as DO and secondary operator. Neither of the individuals named is current on their ICC California UST operator certification.</li> </ul> <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." Also, reference State Water Board correspondence dated January 29, 2015, "When to Review Underground Storage Tank Records."</p> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.11, Section 25404(e)(4) HSC, Chapter 6.7, Section 25286 HSC, Chapter 6.7, Section 25288(a) [CalEPA, State Water Board]</p>	
10.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently requiring UST facilities to submit UST testing and leak detection documents.</p> <p>The following are examples where UST testing and leak detection documents were not found, in facility files or in the CERS:</p> <ul style="list-style-type: none"> <li>• CERS ID - 10155173, missing 2013 secondary containment test results</li> <li>• CERS ID - 10357276, missing 2014 secondary containment test results</li> <li>• CERS ID - 10506574, missing the last two secondary containment test results, missing 2016 and 2014 annual monitoring certification test results</li> <li>• CERS ID - 10575070, missing the last two secondary containment test results, missing 2014 annual monitoring certification test results</li> </ul>	<p>From this point forward, in accordance with statute and regulation, the CUPA will require owners and operators to submit the appropriate UST testing and leak detection documents, which are required to be submitted within 30 days of testing. In accordance with statute and regulation, the CUPA will also require owners and operators to comply with timely submittal of these documents.</p> <p>By June 27, 2017, the CUPA will revise and provide CalEPA the I&amp;E Plan, or other applicable procedure, describing activities performed by the CUPA. These activities will include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Ensuring owners/operators submit UST testing and leak detection documents within the prescribed time frame;</li> <li>• Enforcement options for failure to submit UST testing and leak detection documents.</li> </ul> <p>By September 27, 2017, the CUPA will, if necessary, amend the I&amp;E Plan, or other applicable procedure, based on feedback from State Water Board and submit the revisions to CalEPA.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<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." Also, reference State Water Board correspondence dated January 29, 2015, "When to Review Underground Storage Tank Records."</p> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.7, Section 25288(b) CCR, Title 23, Section 2637(e) CCR, Title 23, Section 2638(d) CCR, Title 23, Section 2643(g) CCR, Title 23, Section 2644.1(a)(5) <b>[State Water Board]</b></p>	<p>By October 27, 2017, the CUPA will implement and train personnel on the revised procedure.</p> <p>By December 27, 2017, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel in attendance.</p> <p>To demonstrate correction of this deficiency, on a quarterly basis, the CUPA will provide ten (10) facility records, if not available in CERS, which have been selected by State Water Board. The selected records will include, but not be limited to, monitoring certifications results, secondary containment test results, spill bucket test results, and any other testing or leak detection documents showing the date the testing and leak detection documents were received by the CUPA.</p>
11.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not inspecting all APSA tank facilities that store 10,000 gallons or more of petroleum at least once every three years.</p> <p>Based on a review of facility files, CERS CME data, Self-Audit Reports, and CUPA-provided spreadsheets, OSFM found the following:</p> <ul style="list-style-type: none"> <li>The CUPA's spreadsheet of APSA tank facilities identifies a total of 23 tank facilities that store 10,000 gallons or more of petroleum. 10 of the 23 facilities (43%) have not been inspected in the last 3 years. This includes 9 of the 10 facilities that had no APSA inspection history.</li> <li>The CUPA is also not inspecting all APSA tank facilities, that store less than 10,000 gallons at least once every three years in accordance with their I&amp;E Plan. Approximately 24 of the 58 APSA facilities (42%) that store less than 10,000 gallons have not been inspected in the last 3 years.</li> </ul>	<p>By June 27, 2017, the CUPA will develop, implement and provide CalEPA with an action plan to ensure all APSA tank facilities with 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"> <li>Identification of all APSA tank facilities, including those with 10,000 gallons or more of petroleum, that have not been inspected in the last three years, and provide a list of those facilities to CalEPA;</li> <li>A proposed schedule to inspect all APSA tank facilities by September 3, 2018, 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</li> <li>Steps to ensure that all APSA tank facilities will be inspected at least once every three years and CME data are entered into CERS.</li> </ul> <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>



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<p><b>CITATION:</b></p> <p>HSC, Chapter 6.67, Section 25270.5(a) and (b) CCR, Title 27, Section 15200(a)(3)(A) <b>[OSFM]</b></p>	<p>By December 27, 2017, the CUPA will have inspected all APSA tank facilities that store 10,000 gallons or more of petroleum, at least once in the last three years.</p> <p>By September 27, 2018, the CUPA will have inspected all other APSA tank facilities at least once in the last three years.</p>
12.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently ensuring that site maps, which are a required component of the Business Plan contain all of the required elements.</p> <p>5 of the 10 facility files reviewed team were missing various elements in their recently accepted Business Plan submittals.</p> <ul style="list-style-type: none"> <li>CERS ID 10619104 - was missing several elements on its 2016 site map, including north orientation, loading areas, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas and locations of emergency response equipment.</li> <li>CERS ID 10654837 - was missing several elements on its 2016 site map, including adjacent streets, storm and sewer drains, emergency shutoffs, evacuation staging areas, and locations of emergency response equipment.</li> <li>CERS ID 10618696 - was missing some elements on its 2016 site map, including access and exit points and emergency shutoffs.</li> <li>CERS ID 10489813 - was missing some elements on its 2016 site map, including storm and sewer drains and locations of emergency response equipment.</li> </ul>	<p>By June 27, 2017, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure that future site map submittals, as part of the Business Plan, are thoroughly reviewed and contain all the required elements. The action plan will include steps to follow-up with incomplete Business Plan submittals.</p> <p>By September 27, 2017, the CUPA will provide a list of facilities that have recently submitted site maps that have been reviewed and accepted. For facilities that have been rejected for an incomplete site map submittal, the CUPA will provide a list of 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> <p>By December 27, 2017, the CUPA will ensure that each regulated business has submitted all of the required elements for a site maps or initiate the appropriate actions to enforce this requirement.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"> <li>CERS ID 10457482 - was missing several elements on its 2015 site map, including loading areas, adjacent streets, storm and sewer drains, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas and locations of emergency response equipment.</li> </ul> <p><b>CITATION:</b></p> <p>HSC, Chapter 6.95, Section 25504(e)  HSC, Chapter 6.95, Section 25505(a)(2) and (3)  HSC, Chapter 6.95, Section 25508(a)(2) and (3)  2013 CFC, Chapter 50, Sections 5001.5.1, 5001.5.2, and Appendix H  HSC Division 12, Part 2, Chapter 1, Section 13143.9  <b>[OSFM, Cal OES]</b></p>	
13.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The Local Ordinance 6.28, includes sections that are contrary to requirements outlined in state statute or regulations.</p> <p>State Water Board review of the CUPA's local ordinance 6.28 is in conflict with statute and regulation regarding permit issuance and revocation. The following are examples:</p> <ul style="list-style-type: none"> <li>Section 6.28.030 - Permit required, states "A permit to install shall remain in effect until a permit to operate or an interim permit is granted, denied or the application is cancelled." Note: A permit to operate must be obtained prior to operation, an interim, or temporary permit is in violation of statute and regulation.</li> <li>Section 6.28.050 – Permit applications states "Any person failing to meet the requirements for a permit to operate may be issued an interim permit to operate." Note: Any facility not in compliance with statute and regulation will not be granted a permit to operate. An interim permit is not authorized.</li> </ul>	<p>By June 27, 2017, the CUPA will develop an action plan to revise, or repeal, Local Ordinance 6.28. The plan will include, but not be limited to, a timeline for review, revision, and approval of Local Ordinance 6.28 by the Tehama County Board of Supervisors.</p> <p>By September 27, 2017, the CUPA will provide to CalEPA the revised draft local ordinance.</p> <p>By October 27, 2017, the CUPA will, if necessary, amend the draft local ordinance based on feedback from State Water Board and will submit the revisions to CalEPA.</p> <p>The CUPA will notify CalEPA when the final ordinance has been adopted by the Board of Supervisors.</p> <p>Within one month of adoption, or approval, of the ordinance by the Board of Supervisors the CUPA will implement and train personnel on the revised ordinance.</p> <p>With the next subsequent Progress Report Update, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel in attendance.</p>



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"><li>• Section 6.28.080 – Reference to interim permit to operate is unclear.</li><li>• Section 6.28.100 – Permit renewal provides guidance on permit renewal without clarifying compliance with statute and regulation is required prior to renewal.</li></ul>	
	<b>CITATION:</b>	
	HSC, Chapter 6.7, Section 25284(a)(1), (c), and (d) HSC, Chapter 6.7, Section 25285(a) and (b) HSC, Chapter 6.7, Section 25285.1 HSC, Chapter 6.11, Section 25404.2(a)(1)(A) CCR, Title 23, Section 2712(c) and (e) <b>[CalEPA, State Water Board]</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.*

1. <b>OBSERVATION:</b>	<p>The CUPA's Program Plan, is outdated. Specifically, the standard operating procedure document incorrectly or inaccurately states the following:</p> <ul style="list-style-type: none"><li>• Consolidated permits for this CUPA are issued on an annual rather than 5-year cycle.</li><li>• Hazardous waste enforcement actions will be retained for 3 years.</li><li>• Page 2, section A-5 - the [Regional Water Quality Control Board] RWQCB is identified as the implementation authority for the APSA program, while the CUPA has "limited authority". Since 2008, the authority to implement and enforce the APSA program was transferred from the state to the CUPAs, while the State Water Board and Regional Water Boards retained the authority to oversee cleanup or abatement efforts, or cause cleanup or abatement efforts, of a release at a tank facility [per Assembly Bill 1130 (Laird, Stats. 2007, Ch. 626)].</li><li>• Page 2, section A-6 – the Uniform Fire Code (UFC) and an old citation to the fire code Hazardous Materials Management Plan and Inventory Statement (HMMP/HMIS) requirements (CCR Title 24, Part 9, Section 80.103) are referenced. The current fire code adopted by the state is the CA Fire Code (CFC) and the current HMMP/HMIS requirements are found in 2013 CFC Sections 5001.5.1 and 5001.5.2. (Note that the 2016 CFC becomes effective January 1, 2017).</li><li>• Page 3 – under the consolidation of permits, the incomplete and vague phrase "specifically the SPCC" is referenced for APSA. No other information is provided. Not all tank facilities regulated under APSA are required to prepare and implement an SPCC Plan, but all regulated tank facilities are still subject to the requirements of APSA.</li><li>• Page 4 – outdated information is provided under the SPCC section and the UFC is incorrectly referenced.</li></ul>
<b>RECOMMENDATION:</b>	
	The evaluation team recommends that the CUPA review and revise its Program Plan and update the document to reflect current regulatory authority, citations, and CUPA policies and procedures.
2. <b>OBSERVATION:</b>	<p>State Water Board attended an oversight UST inspection with the Tehama County Environmental Health CUPA on Tuesday, January 17, 2017.</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 following the technician, the site was opened up and the spill buckets filled with water. There was no obvious sheen on the water in the spill bucket, but it is not known if any cleaning occurred prior to arrival. As neither the CUPA nor State Water Board was on site when spill buckets were filled, a five-gallon capacity cannot be confirmed.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### OBSERVATIONS AND RECOMMENDATIONS

	<b>RECOMMENDATION:</b>  State Water Board recommends that the CUPA continue working with the tank testers to ensure CUPA arrival prior to the start of any testing.
<b>3.</b>	<b>OBSERVATION:</b>  The CUPA's Inspection & Enforcement Plan does not include a process for ensuring a complete annual UST compliance inspection is performed when an inspector is unable to attend the annual UST monitoring certification test.  Additionally, the CUPA's I&E Plan does not specify ICC California UST Inspector certification is required for either UST inspections or CERS submittal approval.  <b>RECOMMENDATION:</b>  State Water Board recommends that the CUPA revise the I&E Plan to include a process for ensuring a complete annual compliance inspection is performed when an inspector is unable to attend the annual monitoring certification test.  State Water Board also recommends that the CUPA clarify a requirement for UST inspection and CERS submittal acceptance is current ICC California UST Inspector certification.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

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

#### EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- 1. Electronic Reporting Education and Outreach** – Over the last few years, the CUPA has devoted a significant amount of time to assisting facilities in CERS compliance. Specifically, inspectors visit facilities and assist facility owners and operators with data entry, attachment and uploading of submittal elements, as well as correction of submittal elements to ensure the facility is submitting the most accurate data available.