

CERTIFIED UNIFIED PROGRAM AGENCY

Deficiency Progress Update Report 7

EVALUATION DATE(S):	October 13-14, 2015				
CUPA:	Lassen County Environmental Health Department				
Post-EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	State Water Board	CAL FIRE - OSFM
	Christopher Moon	Matt McCarron	Jack Harrah	Lisa Jensen	Glenn Warner
Deficiency Pending	2, 5,				
Deficiencies Corrected	1, 3, 4, 6, 7, 8, 9, 10- these deficiencies do not require further corrective action.				
Update Submitted on	September 8, 2017				
Next Update Due by	December 8, 2017				

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

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

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<p>The CUPA is required to submit a Deficiency Progress Report every 90 days until all deficiencies have been acknowledged as corrected.</p> <p>Each Deficiency Progress Report must include a narrative stating the progress toward correction of <u>all</u> deficiencies identified in the Summary of Findings evaluation report.</p>	<p>Deficiency Progress Report submittal dates for the first year following the evaluation are as follows:</p> <p style="text-align: center;">Update 5: March 8, 2017 Update 6: June 8, 2017 Update 7: September 8, 2017 Update 8: December 8, 2017</p> <p style="text-align: center;">Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.</p>
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1.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	<p>The CUPA's fiscal year (FY) 2014/2015 California Accidental Release Prevention (CalARP) Annual Performance Audit Report did not contain all of the required elements.</p> <p>The following components of the audit were missing from the report:</p> <ul style="list-style-type: none"> • Executive summary • Responses to California Code of Regulation (CCR), Title 19, Section 2780.5 subparagraphs (1), (2), (4), (5), (7), and (8). <p>Note: The CUPA did include responses to CCR, Title 19, Section 2780.5, subparagraphs (3) and (6) of the regulation.</p>	<p>By March 8, 2016, the CUPA will submit a revised CalARP Performance Audit Report for FY 2014/2015 that contains all of the elements required by CCR, Title 19, Section 2780.5.</p>
Deficiency Progress Update 1:		
<p>The FY 2014/2015 CalARP Performance Audit Report was rewritten to address Title 19 requirements, and is attached. Once approved by the evaluation team this format will be used for all future CalARP Self-Audits.</p>		
Evaluation Team Response:		
<p>This deficiency has been corrected.</p>		
Deficiency Progress Update 2: N/A – No further action required.		
Evaluation Team Response: N/A – Correction Complete.		
2.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not implementing or enforcing the requirements of the business plan program for all regulated businesses.</p> <p>Specifically, the CUPA is not regulating all agricultural business in their jurisdiction, nor are they exempting businesses pursuant to statute.</p>	<p>By June 8, 2016, the CUPA will submit an action plan to CalEPA to correct this deficiency. This plan will address, at a minimum, the following elements:</p> <ul style="list-style-type: none"> • Coordination with the Agricultural Commissioner to determine the universe of possible agricultural handlers; • Determination of the agricultural businesses that have hazardous materials at or above threshold quantities; and • Criteria created by the CUPA for a possible handler exemption that complies with HSC, Section 25507(d), if the agricultural handler exemption as written in HSC, Section 25507.1 is not appropriate.

		<p>By September 8, 2016, and with each subsequent progress report, the CUPA will report to CalEPA the number of agricultural businesses that were added to the business plan program and how many were determined to be exempt.</p> <p>The CUPA will continue to submit progress reports to CalEPA until the agricultural businesses under the CUPA's jurisdiction have been brought into compliance by submitting their initial inventories in CERS or exempted from the business plan program.</p>
<p>Deficiency Progress Update 1:</p> <p>We are still developing our plan of action to address business plan exemption/inclusion of agricultural facilities. This proposed action plan will be ready to submit with our next deficiency progress report.</p>		
<p>Evaluation Team Response:</p> <p>Since the date of the corrective action has not yet been reached, the CUPA's response is appropriate.</p>		
<p>Deficiency Progress Update 2:</p> <p>No significant progress has been made towards this deficiency since the last update. We have had difficulty getting any feedback from the Agricultural Commissioner's office, and are still trying to figure out how to proceed.</p>		
<p>Evaluation Team Response:</p> <p>The CUPA did not comply with the corrective action.</p> <p>CalEPA On 7/18/2016 CalEPA spoke via phone with the CUPA inspector, Director of Environmental Health, and the Director of Public Health. The CUPA stated that it has a plan to work with the Lassen County Agriculture Commissioner to establish a process to regulate or exempt agricultural handlers. The finalization and implementation of the plan is pending appointment of the Agricultural Commissioner, which is expected soon. With the next update report, the CUPA will provide an update on the progress made towards correcting this deficiency, as well as whether the Agricultural Commissioner has been appointed.</p> <p>Cal OES It is disappointing that the CUPA has been unable to show any progress on this deficiency. Cal OES urges the CUPA to continue its efforts to either regulate agricultural handlers under the business plan program, determine that each handler is below regulatory thresholds, or exempt the handlers under H&SC section 25507.1 or one of the provisions of H&SC section 25507(c), (d) or (e). With the next quarterly update, please report any progress.</p>		

Deficiency Progress Update 3:

We are still waiting on the appointment of the new Ag Commissioner. Since the position has been vacant for an extended period of time that office is also having difficulties keeping up with their workload. Although it is unfortunate that this is delaying our corrections we are trying to be respectful of this, and have been checking back with them periodically. Once we are able to meet with them we are going to send out mailers to Ag facilities within our jurisdiction – hopefully just a survey type thing that will help them realize we are trying to exempt if possible and not add more work for them. We feel that this will help encourage response and participation. Facilities that do not meet the exemption criteria we set will be inspected and entered into CERS for regulation as time allows.

Cal OES Response:

While it is disappointing that the CUPA has not been able to show any progress on this deficiency, it is also true that no progress can be made in the absence of an Agricultural Commissioner. With the next quarterly update, please report any progress on this process.

Deficiency Progress Update 4:

We are reviewing examples of Agricultural exemption obtained from Plumas county. We have been in communication with the new Ag Commissioner, and he has provided us the information he has on Ag handlers within the County. We will be scheduling a meeting with him for after the holidays, to discuss our approach to the exemption. He has also invited us to speak at the annual pesticide training that his office conducts which will be in March 2017 to get feedback from handlers regarding the exemption, and then based on the comments that we get from them will be honing our official exemption criteria. We are also hoping to attend upcoming Farm Bureau meetings because they have large/active participation from agricultural handlers within our county.

Cal OES Response:

With the next quarterly progress report, please apprise us of any progress in correcting this deficiency. Cal OES also recommends that you contact Glenn County (Eric Scott, 530-934-6501) about that CUPA's agricultural exemption, in addition to Plumas County.

Deficiency Progress Update 5:

We have drafted an exemption form based off of Plumas County's form. It has not been distributed yet, as we are hoping to get more input from neighboring counties. I spoke at Pesticide Handler Annual Refresher training on 3/2/17, and received a unenthusiastic, but not outwardly negative response from owner/handlers in attendance. I thought it was a nice way to begin discussion and get the word out. I am planning on contacting the local Farm Bureau and asking for their assistance in getting me an audience with local ag handlers once my inspection schedule slows down in the next month or so.

Cal OES Response:

While it is encouraging that the CUPA is making some progress in educating and recruiting agricultural handlers, Cal OES has some concerns with the CUPA's draft exemption form.

- First, the form seems to be an expanded Business Activities Page. If it is to be used for exemptions, it should contain the basis for the exemption, such as, HSC 25507(c)(substance exemption), 25507(d) (handler exemption), 25507(e) (substance for specific handler), 25507.1 (agricultural handler), or 25507.2 (unstaffed remote facility).
- An exemption for an agricultural handler should probably contain the phrase “a business operating a farm for purposes of cultivating the soil or raising or harvesting any agricultural or horticultural commodity”.
- It should be made clear that a 25507.1 agricultural handler “exemption” is only an exemption from filing the emergency response plan and training plan, NOT a complete exemption. The handler must still annually report its inventory into CERS, there are additional signage requirements that no other handler has, and, there is no exemption from inspection, although the Ag Commissioner can do those, if they agree to.
- 19 CCR section 2729.4 was renumbered last year. It is now section 2654.
- The citation “Health and Safety Code section 25507(g)” does not exist – 25507 only goes up to (f).

With the next quarterly update, please report any progress in educating the agricultural community. Also, please append an updated exemption form, if applicable.

Deficiency Progress Update 6: We have made the indicated changes to the draft form, and are looking into ways to get in touch with the affected sites here in Lassen County. We are leaning towards sending out information along with the business activities survey and the exemption form. We have obtained a list of addresses from the Ag Commissioner’s office. We also need to plan another meeting with their office to discuss if joint inspections are possible, or if they would be willing to enter an agreement to inspect for us.

Evaluation Team Response [Cal OES]:

Cal OES: The CUPA’s draft exemption form is much improved. Please report any progress with the next quarterly update.

Deficiency Progress Update 7: We have obtained more examples of Ag Handler exemption materials from nearby counties. We are currently looking into Glenn County’s system, and looking at how to incorporate this into our existing form/plan.

Evaluation Team Response [Cal OES]:

Cal OES response: Please report any progress with the next quarterly update.

Deficiency Progress Update 8:

Enter CUPA Response Here

Evaluation Team Response 8 [Cal OES]:

3.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	<p>The CUPA’s August 31, 2015, area plan did not address all required elements and contained some incorrect information. The following is a list of sections that require revision.</p> <ul style="list-style-type: none"> • Many of the page citations on the reporting form (page 31) were not correct, possibly due to editing the document after the reporting form was completed. 	<p>By June 8, 2016, the CUPA will revise the sections described in the deficiency, and submit a copy of the corrected area plan to CalEPA.</p>

	<ul style="list-style-type: none"> • The element “Emergency Response Contractor Access” (19 CCR 2723) was not clearly delineated or was missing. • Incident Critique & Follow-up was only mentioned in passing (19 CCR 2728). • Emergency Communication element (19 CCR 2724) did not mention other modes of communication such as CB radio, amateur radio, commercial systems such as railroad company communications, or other modes that might become necessary in a disaster. • On page 8, item 14.a.(1), the HSC is mentioned, but no section is specified. The same non-specified section of HSC is also referenced in item 14.a.(2). • On page 9, item 14.d.(1), HSC, Section 25507 is cited as an authority. That citation was changed to HSC, Section 25510 by Senate Bill (SB) 483 in 2015. 	
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Deficiency Progress Update 1:

We are reevaluating our Area Plan, and have reached out to our local Office of Emergency Services and first responders for their input and assistance with the plan. We are hoping to meet with involved agencies soon, and have it completed by our next deficiency progress report.

Evaluation Team Response:

With the next quarterly update, please report your progress.

Deficiency Progress Update 2:

We have been unable to make any significant progress towards this correction since the last update. The workload for the CUPA inspector/program manager has been significant this quarter, which has been a struggle. In addition to that, she had family issues that have resulted in being out of the office frequently. It is our hope that this quarter she will be able to catch up.

Evaluation Team Response:

The CUPA did not comply with the corrective action.

CalEPA

On 7/18/2016 CalEPA spoke via phone with the CUPA inspector, Director of Environmental Health, and the Director of Public Health. The CUPA inspector indicated that revisions were in progress.

Cal OES

Please report your progress with the next quarterly update.

<p>Deficiency Progress Update 3:</p> <p>The specified sections of our Area Plan have been addressed (I apologize that I cannot attach it at this time as I am at the Continuing Challenge Conference and forgot to email it to myself and have no access to drives. I will send it upon my return to the office). At this time I have not circulated the Area Plan for approval because I have just recently learned that the City of Susanville has contracted with a consultant to update the City of Susanville/County of Lassen/Susanville Indian Rancheria Local Hazard Mitigation Plan. The first collaborative meeting for this is scheduled for September 13, 2016. I understand that these are two different documents, but I was hoping to see what the updated LHMP ends up looking like before submitting an official update of the Area Plan for approval. Unless you think that would be a waste of time Jack? I honestly was not sure how similar the documents are. I am hoping that the majority of it will overlap, and since I will be attending the collaborative meetings I can do a more thorough job of updating the document.</p>
<p>Cal OES Response:</p> <p>All area plans must be integrated with local and regional plans, so the CUPA's proposal to delay until local hazard mitigation plans can be assessed is a good one. Please report your progress with the next quarterly update, and if review of the local hazard mitigation plan results in amendments to the area plan, please provide Cal EPA with a proposed timeline for these amendments. If the area plan has been finalized by the date of the next quarterly update, please append a copy to your update.</p>
<p>Deficiency Progress Update 4:</p> <p>I have attached the copy of the Area Plan with the corrections specified in the deficiency. I have not circulated it up to our Board of Supervisors at this time because I am waiting to see if there will be more changes necessary. We are currently attending meetings regarding the Local Hazard Mitigation Plan update that is affecting the City of Susanville, Lassen County, and the Susanville Indian Rancheria. The projected date for the final plan is July 2017. I have also discussed Area Plan revision with the Lassen County OES chief, and he would like for LCEH to attend the next LEPC meeting because he thought that there was a proposal for funding available to possibly hiring a consultant to overhaul the plan. He is going to let me know when the next LEPC meeting in Red Bluff, CA is.</p>
<p>Cal OES Response:</p> <p>For information about the Department of Transportation's Hazardous Materials Emergency Planning (HMEP) grant, contact Cal OES' Erika Olsen at (916)845-8765. The next LEPC III meeting will be at the Tehama County Sheriff's Office of Emergency Services in Red Bluff on January 5, 2017. The chair for LEPC III is Bill Fuller, 530-822-4809, wfuller@yubacity.net, and the Cal OES liaison for LEPC III is Lindsey Stanley, 916-995-9372, lindsey.stanely@caloes.ca.gov.</p> <p>As of this progress report, the CUPA has corrected the incorrect or omitted information outlined in the deficiency. Since the CUPA has fulfilled the corrective actions specified in the corrective action portion of the deficiency report, Cal OES considers this deficiency corrected.</p>
<p>Deficiency Progress Update 5: N/A – No further action required.</p>
<p>Evaluation Team Response: N/A – Correction Complete.</p>

4. DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
<p>The CUPA is not updating their I & E Plan as necessary.</p> <p>The CUPA has maintained outdated statutory authority, and policy documents as citations within its I & E Plan.</p> <ul style="list-style-type: none"> • HSC 6.95 was revised in 2013 and 2014. However, citations for inspection and enforcement authority contained in the CUPA's I & E Plan do reflect the authority as cited in state law. • The CUPA's I & E Plan maintains the outdated DTSC Enforcement Response Policy as primary reference for hazardous waste generator enforcement. • HSC 25270.12 establishes authority to issue civil penalties for APSA violations. However, the CUPA's I & E Plan excludes APSA from this enforcement option. <p>The CUPA has not identified AEO's as an enforcement option for all programs. Citations for statutory authority are incorrect.</p> <ul style="list-style-type: none"> • The CUPA has identified the AEO process as an enforcement option. This option is identified for the Hazardous Waste Generator (HWG), and APSA programs and is omitted for the UST, Business Plan and CalARP programs (page 14). • The description of the AEO process in the I & E Plan cites the need for DTSC to adopt regulations under the now nonexistent HSC Section 25187 (a)(2)(C). Authority for the CUPA to pursue AEO's for any CUPA violation is provide in statue through HSC, Chapter 6.11, Section 25404.1.1. The CUPA's I & E Plan should outline its policy and procedure for pursuing an AEO. 	<p>By March 8, 2016, the CUPA will revise their I & E Plan to reflect the current statutes and regulations that the CUPA is required to enforce. The revised I & E Plan must include:</p> <ul style="list-style-type: none"> • Provisions for administering all program elements, including correct citations for statutory authority; • Identification of all available enforcement options including Administrative Enforcement for all program elements; • Identification of penalties and enforcement actions that are consistent and predictable for similar violations and no less stringent than state statute and regulations. • Designate whether the AST inspection frequency covers all AST facilities or APSA facilities storing 10,000 gallons or more of petroleum. <p>The CUPA will also include clear processes for:</p> <ul style="list-style-type: none"> • Pursuit of an AEO through authority delegated by the state or through local processes. • Referral to the DA, and additional enforcement follow up if a case is not accepted; • Referral to a State or Federal Agency, and additional enforcement follow up if a case is not accepted; • A graduated series of enforcement actions that may be taken by the CUPA based on the severity of violation.

	<p>Additional corrections/clarifications needed:</p> <ul style="list-style-type: none"> • The I & E Plan describes a process of creating an enforcement report for supervisor review when formal enforcement may be need. With staff turnover, this process is no longer being conducted on a consistent basis, and the I & E Plan may need to be revised to describe a new process and procedure for pursuing a graduated series of enforcement (see deficiency (5)). • Revise Fire Marshall to Fire Marshal in whole document. • Page 18, Table 1 – does not designate whether the AST inspection frequency covers all AST facilities or APSA facilities storing 10,000 gallons or more of petroleum. 	
<p>Deficiency Progress Update 1:</p> <p>For this deficiency we would like to request additional time to make the necessary corrections and updates to our Inspection & Enforcement plan. We have found that this document is no longer applicable to our program, and we are in the process of re-evaluating and reconstructing it. I have included a working draft of the document, but it is likely that our final product will end up being different as we further revise what we want this document to reflect for each of the program elements. I am hoping to make it a more applicable and functional document overall.</p> <p>Special attention will be paid to making sure that regulation citations are both accurate and easily updatable, and that embarrassing grammatical errors are avoided. A large portion of this is pending because we are still discussing a clear plan for how we can implement the AEO process here. Our Director of Health and Social Services is still in discussion with her supervisors, and it will still need to be presented to our Board of Supervisors for approval. This process is going to take more time for us to complete.</p>		
<p>Evaluation Team Response:</p> <p>Although significant changes, including achieving approval for an AEO process, are still needed before the CUPA's I & E Plan is finalized, the revisions that have been made so far have improved the document markedly. The CUPA's request for more time to complete this task is reasonable considering the scope of changes. OSFM and DTSC have provided comments within the working document and those comments have been provided to the CUPA via email. Additional comments from CalEPA and the State Water Board are provided below.</p> <p>Globally, the I & E Plan still addresses some enforcement options for Business Plan and Hazardous Waste Program only when they are applicable to all program elements. This is the case for the existing AEO write up, although a conclusion paragraph is provided stating that the process is applicable to all programs, and for</p>		

referrals to state agencies which addresses only referrals to DTSC. Enforcement tables and flowcharts also do not capture each program's enforcement options accurately.

Some provisions for addressing are included, but the process is incomplete. Processes for receipt and closure of complaints are not identified.

The revised the I & E Plan does identify the AEO process as an enforcement option for the UST program. However, the section is specific to the HMBP and the inclusion of programs for UST, APSA, CalARP appears to be an afterthought. (Reference: 11. Administrative civil penalties for business plan violations – HAC Chapter 6.95, Section 25514.6)

The Matrix of Enforcement Options for all CUPA Programs does not reflect the use of Administrative Orders as an enforcement option for the CUPA within the UST program. Reference Matrix in 14. Criminal Case (Various Health and Safety Code Sections).

With the next deficiency progress update, please provide an update on the status of the complete review of the I & E Plan, and provide a copy to CalEPA. Please also provide a written description of the CUPA's plan for revising and implementing the AEO process. Please include details as to when Lassen County Board of Supervisor's meetings occur and whether the AEO process has been added to a Board of Supervisor's meeting agenda.

Deficiency Progress Update 2:

Again here no significant progress has been made since the last update. We still have not been able to address the Board of Supervisors, so the creation of an AEO process is still held up.

Evaluation Team Response:

The CUPA did not comply with the corrective action.

CalEPA

On 7/18/2016 CalEPA spoke via phone with the CUPA inspector, Director of Environmental Health, and the Director of Public Health. During the phone call the CUPA stated that a relationship has been developed with Deputy County Counsel who will assist the CUPA in working to revise the AEO and formal enforcement processes. With the next update report please provide draft timeline of the steps needed to complete the revisions of the AEO and formal enforcement processes and an approximate timeline for the completion of the project. Once the formal enforcement processes, including the AEO process has been designed the CUPA will complete revisions to the I & E Plan.

OSFM

The original corrective action target dates of March 8, 2016, and the revised corrective action target date of June 8, 2016, were not achieved. By the next update, the CUPA will provide their updated I & E Plan.

DTSC

DTSC current enforcement policy has been updated in 2009, and is almost ready to be updated again. The CUPA could use DTSC's current policy to replace the 1996 version referenced in the CUPA's I & E plan. The most current DTSC enforcement policy is available at

https://www.dtsc.ca.gov/LawsRegsPolicies/Policies/HazardousWaste/upload/DTSC-OP-0006_Enf_Response_Policy.pdf

Deficiency Progress Update 3:

The revision of our I&E plan has been pending the review and update of all policies and procedures within our office. We have recently filled the Director of Environmental Health position that had been vacant for over a year. Although the new director does not have any experience in the CUPA realm I am hopeful that with her appointment it will begin to be easier to get our processes reviewed and revised, and that we will also have more footing in getting things pushed forward for higher approvals. The major pending item is that as we examine ways to strengthen our enforcement procedures (such as an AEO process) we are waiting to update this document until all new changes can be incorporated.

Evaluation Team Response:

CalEPA

The CUPA has not complied with the corrective action. CalEPA does appreciate that there is a steep learning curve for the CUPA program. With the next update report, CalEPA recommends that the CUPA provide the most up to date revised draft of the I & E Plan to demonstrate that progress is being made and that the last remaining issue is revisions to enforcement processes.

OSFM

The CUPA has not provided an updated I & E Plan. On the next update, the CUPA will provide their updated I & E Plan.

Deficiency Progress Update 4:

County Counsel is reviewing many CUPA related code sections (ex. AEO process, punitive processes/fines), and we have not had a response back from them at this time. Our EH Director is working on coming up to speed with CUPA regulation and practices, and we will then begin to review all of our policies and procedures. Once we hear back from County Counsel on how we should integrate the AEO process into our program we are hoping to hire a consultant to help us overhaul the I&E plan to make it into a much more useful and applicable document. If the hiring of a consultant does not get approved, I have reviewed plans from neighboring counties that I believe can be referenced as models to help us strengthen our plan.

Evaluation Team Response:

CalEPA and DTSC

The CUPA provided their most current draft of their I&E Plan for the evaluation team to review. Many of the issues identified in the deficiency and previous update responses still apply. To assist Lassen County, CalEPA can send recent I & E Plan Samples from other CUPA's and recommend CUPA's to contact for additional information. Please continue to work with the County Counsel to receive approval for moving forward with the AEO process and provide narrative updates of any progress made. Additionally, please begin to revise outdated I&E Plan language that pertains to the CUPA's internal processes and procedures for inspections and informal enforcement. Please provide an updated I & E Plan with the next deficiency progress report.

OSFM

The CUPA has provided a Feb 2016 draft I&E Plan. For consistency within the document, OSFM recommends that Table 1 be modified to change the AST/SPCC program element name to APSA. Similarly, paragraph 4 on page 17 (under section F-Program Specific Enforcement Violations) should be renamed to APSA (instead of Aboveground Storage Tanks – SPCC). Additionally, changes listed in the deficiency have not been addressed in the latest revision, including:

- revision of Fire Marshall to Fire Marshal in the whole document.
- identify the APSA enforcement authority related to HSC 25270.12.
- identify whether the AST inspection frequency covers all AST facilities or APSA facilities storing 10,000 gallons or more of petroleum.

The current inspection frequency wording of ‘Once every 3 years for non-qualified facilities’ should be updated to ‘Once every 3 years for APSA facilities storing 10,000 gallons or more of petroleum. On the next update, the CUPA will provide their updated I & E Plan.

Deficiency Progress Update 5:

I attempted to update all of the specific changes that were mentioned in our working draft, which is attached. I still have not received any feedback from the County Counsel office, so we will follow-up with them. As my workload slows down I will be diving into completely overhauling this plan. I have on-hand some examples from other CUPAs that I felt were better written than ours, and I plan to base our updated plan off of pieces of others. I am hoping to be able to have a new plan in place by Fall 2017.

Evaluation Team Response:

The CUPA has revised the items listed in the deficiency. This deficiency has been corrected. CalEPA acknowledges that the CUPA’s revisions to the I&E Plan is draft and the CUPA will be making additional revisions later this year. CalEPA recommends that the CUPA continue to ensure the documentation in their I&E Plan meets the minimum requirements outlined in Title 27.

DTSC

The revised plan is acceptable. This deficiency is considered corrected.

OSFM

The CUPA has provided a March 2017 draft I&E Plan that successfully addresses the corrective actions. OSFM’s portion of this deficiency has been corrected.

Deficiency Progress Update 6: N/A – No further action required.

Evaluation Team Response: N/A – Correction Complete.

5.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA is not consistently pursuing formal enforcement or a graduated series of enforcement when facilities are cited with Class I or recalcitrant violations.	By March 8, 2016, the CUPA will review their I & E Plan and revise their processes for tracking and pursuing a graduated series of enforcement, add a process for pursuing administrative enforcement, and submit a copy of the revised I & E Plan to CalEPA. The above corrective actions may be combined with the corrective action for deficiency 4.
	The CUPA’s current I & E plan outlines all available formal enforcement options	

<p>including the Administrative Enforcement Order (AEO) for Hazardous Waste and APSA programs. The AEO process has not been identified as an enforcement option for the UST, Business Plan or CalARP programs in the CUPA's I & E Plan.</p> <p>The CUPA does refer cases to the District Attorney (DA). However, if the DA does not accept the environmental case, the CUPA does not pursue formal enforcement through other means. Cases for the following facilities were referred to the DA, but the DA did not accept the cases, and alternative enforcement was not pursued.</p> <ul style="list-style-type: none"> • Susanville Beacon 1001 Main St. Susanville, CA.- inspected on 11/25/2013 and 5/29/2013 (partial RTC). • Wayside Inn 718-710 Highway 395, Standish, CA. - inspection 11/23/2013 with re-inspection on 01/13/2014. <p>The CUPA attempted to follow-up with some facilities through informal enforcement actions, by issuing multiple Notices to Comply. Several facilities remain out of compliance and the CUPA has not pursued formal enforcement.</p> <p>The following facility has not returned to compliance and the CUPA has not elevated violation Class, or level of enforcement.</p> <ul style="list-style-type: none"> • Sierra Chevron 1530 Main St. Susanville, CA- inspected on 9/28/2012 and 2/14/2013 <p>Overall, there were at least nine (9) Class I, and at least sixteen (16) Class II violations that have not returned to compliance, and for which the CUPA has not initiated a graduated series of enforcement.</p>	<p>By June 8, 2016, the CUPA will provide a list to CalEPA of all facilities that have been cited with Class I violations, or demonstrated recalcitrant Class II and minor violations within the last three years. The list should include the following:</p> <ul style="list-style-type: none"> • facility name, • CERS ID number, • a description of the enforcement options pursued to date, • current compliance status of the facility, • and return to compliance date (if available). <p>Please include the three facilities listed in the deficiency in this list. With each quarterly deficiency progress report, the CUPA will provide an update on the progress towards implementing formal enforcement for each facility and include any additional facilities with violations that warrant a graduated series of enforcement since the previous update. The CUPA will submit a revised list with each deficiency progress report.</p> <p>By September 8, 2016, the CUPA will initiate a formal enforcement option for each non-compliant facility on the list of facilities submitted with the previous update report. With each subsequent deficiency progress update, the CUPA will report, the progress of implementing formal enforcement, as well as the status of gaining compliance for each listed facility.</p> <p>Upon completion of each formal enforcement action the CUPA will submit a formal enforcement summary report to CalEPA within 30 days of final disposition.</p>
<p>Deficiency Progress Update 1:</p> <p>As stated in the narrative for deficiency number 4 we would like to request more time for the update of our Inspection & Enforcement plan as it is taking longer than specified to get the AEO process in place. It is our hope that we will be able to implement a successful AEO program here in Lassen County, and we don't want to</p>	

make any mistakes as we move forward with implementation. We will likely have to compose a County ordinance (or maybe multiple) to address this, and this will take more than the allotted time to complete. In the interim we are looking into other options for the recalcitrant facilities that we have within our jurisdiction, and were recently given new information for both State enforcement options and new contact information for a circuit prosecutor.

Evaluation Team Response:

CalEPA

The CUPA has provided a working draft of its I & E Plan. State Evaluation Team has provided comments on the CUPA's I & E Plan in the response to deficiency 4. In addition to a revised I & E Plan, with the next update report, the CUPA will provide a list of facilities that have non-minor or recalcitrant violations pursuant to the corrective action. State agency specific responses are provided below.

State Water Board

The CUPA has not fully complied with the corrective action.

The corrective action for this deficiency requires the CUPA to:

- Submit an action plan which includes:
 - A review of the I & E Plan and revision of processes for tracking and pursuing a graduated series of enforcement, add a process for pursuing administrative enforcement, and submit a copy of the revised I & E Plan to CalEPA.

The State Water Board recognizes the complexity and time constraints associated with having procedures approved by multiple levels within a government organization, including an elected body. Draft documentation addressing the deficiency and a timeline for approval are sufficient in the interim. Once the AEO Process has been approved by the Lassen County Board of Supervisors, the CUPA will provide the a completed and approved I & E Plan to CalEPA.

Action Plan:

Within thirty (30) days of receipt of the Evaluator Team response, the CUPA will provide to CalEPA:

- A revised I & E Plan which includes revisions of processes for tracking and pursuing a graduated series of enforcement, and an added a process for pursuing administrative enforcement.
- A timeline of actions which will accomplish satisfaction of this deficiency. This includes, but is not limited to, revision of the I & E Plan as noted above, timeline of submission to reviewing bodies, and an informed estimate as to when the Board of Supervisors will be presented with revisions for approval.

For reference, the State Water Board is including examples of I & E plans from other CUPAs with approved AEO processes.

DTSC

DTSC encourages as an interim strategy, for the CUPA to remind the Hazardous Waste facilities listed in the deficiency in writing of their outstanding violations and or re-inspect these facilities since the frequency for routine inspections is coming due for most of them. DTSC also notes that reconfirming the violations and re-inspections would assist any case that may go to a circuit prosecutor and bolster chances for successful completion of the case. Please provide copies of any correspondence with the above facilities with next report. Please advise on the status of potential AEO process for county with next report.

Deficiency Progress Update 2:

We have not been able to make any significant progress on our I&E plan revisions since the last update. We are aware that we are not meeting the deadlines set out by the evaluation team, which is disappointing for our office, but currently the program is operating with one staff member. Please do not think that we are not taking the deficiencies seriously or have not assigned them high priority, but with the employee's lack of experience among other issues it has been difficult to address. We will continue to work on this and all corrections as quickly as we can.

Evaluation Team Response:**CalEPA**

On 7/18/2016 CalEPA spoke via phone with the CUPA inspector, Director of Environmental Health, and the Director of Public Health. During the phone call the CUPA stated that a relationship has been developed with Deputy County Counsel who will assist the CUPA in working to revise the AEO and formal enforcement processes.

With the next update report, please provide draft timeline of the steps needed to complete the revisions of the AEO and formal enforcement processes. Please also review the corrective action and provide a list of facilities that have non-minor and/or recalcitrant violations.

State Water Board

The CUPA has not complied with the corrective action.

State Water Board acknowledges the CUPA is operating with minimal staff and recommends identifying temporary additional support to allow the CUPA to continue meeting their responsibilities while finding a more permanent staffing solution.

DTSC

DTSC encourages as an interim strategy, for the CUPA to remind the Hazardous Waste facilities listed in the deficiency in writing of their outstanding violations and or re-inspect these facilities since the frequency for routine inspections is coming due for most of them. DTSC also notes that reconfirming the violations and re-inspections would assist any case that may go to a circuit prosecutor and bolster chances for successful completion of the case. Please provide copies of any correspondence with the above facilities with next report. Please advise on the status of potential AEO process for county with next report.

Deficiency Progress Update 3:

Our Director of Health & Social Services has requested assistance from the County Counsel office in reviewing regulations, applications, and possibilities for the implementation of an AEO process within our department. County counsel has not responded with a firm plan at this time, but we are hopeful that we will be able to come up with something that will work for us without having to go for higher approval, which is where this has gotten stalled in the past. We are hoping that we will be able to develop a more definitive timeline in the coming months. The only caveat that I can foresee is if County Counsel is for any reason inundated with more pressing matters, then this may be pushed out.

Evaluation Team Response:

CalEPA

The CUPA has not complied with the corrective action.

With the next update report, the CUPA will provide a most up to date revised draft of the I&E Plan, as well as a timeline ensuring review and approval. If the County requires Board of Supervisor approval of the I&E Plan the CUPA will include Board of Supervisor review within their timeframe. The CUPA will also with comply with the corrective action to submit a list of each facility with open Class I or recalcitrant Class II or minor violations, and include the current compliance status in the list.

Please note, the corrective action timeframe for CalEPA and DTSC differs with the action plan timeframe included with the State Water Board's response below. Please read each response in order to ensure the CUPA addresses the concerns of each agency within the respective timeframes.

DTSC

The CUPA has not complied with the corrective action. DTSC had requested quarterly updates on the compliance status of the facilities that remain out of compliance with the September 8, 2016 update. We are not in receipt of those updates.

DTSC is encouraged that the CUPA is requesting assistance from County Counsel to develop an AEO process. We recommend that the CUPA review the attached document in order to better understand all enforcement actions available to the CUPA <http://www.calepa.ca.gov/cupa/documents/aeoguidance.pdf>.

DTSC is willing to participate in meetings to assist the CUPA in identifying effective enforcement tools. The CUPA remains however, responsible for taking enforcement actions, when necessary, against recalcitrant violators.

State Water Board

The CUPA has not complied with the corrective action.

The State Water Board recognizes the complexity and time constraints associated with having procedures approved by multiple levels within a government organization, including an elected body. Draft documentation addressing the deficiency and a timeline for approval are sufficient in the interim. Once the AEO Process has been approved by the Lassen County Board of Supervisors, the CUPA will provide a completed and approved I & E Plan to CalEPA.

Action Plan:

Within thirty (30) days of receipt of the Evaluator Team response, the CUPA will provide to CalEPA:

- A revised I & E Plan which includes revisions of processes for tracking and pursuing a graduated series of enforcement, and an added a process for pursuing administrative enforcement.
- A timeline of actions, which will accomplish satisfaction of this deficiency. This includes, but is not limited to, revision of the I & E Plan as noted above, timeline of submission to reviewing bodies, and an informed estimate as to when the Board of Supervisors will be presented with revisions for approval.

Deficiency Progress Update 4:

The status of the updated I&E plan was described in the deficiency number 4's response in more detail. We are waiting on a response from our County Counsel who is reviewing relevant regulations to give us guidance on

how to incorporate more stringent enforcement options into our program policies and procedures. As for individual instances of non-compliance we have recently made a large amount of progress with the group of operators who run our most recalcitrant facilities. On 11/22/16 I red-tagged the most chronically non-compliant facility due to a violation that I could not allow to continue. The owner fixed the violation the next day, so I removed the red tags and he was being very communicative on his progress to correct the remaining issues. As of 12/7/16 the issues had still not been corrected, so I red tagged the system again, this time for operation without a permit (held due to non-compliance) instead of a specific violation and informed him that until the facility is back in compliance I will not remove the tags. I also advised him that the rest of his facilities within the County would be facing the same thing. He has scheduled a meeting with me 12/9/16 to discuss the violations and put a plan in place on how to correct the violations for all of the facilities. Due to the great amount of responsiveness we have seen from this, we are hoping that the delinquent facilities will no longer be an issue for the UST program. We are awaiting response from County Counsel regarding the AEO process to see how we will address a more aggressive approach with the other CUPA program elements. They are also reviewing the fining codes that are already in place within the regulations to see if we are able to start implementing fines without having to go before the Board of Supervisors (if they are already included in the regulations that the County has already adopted).

Evaluation Team Response:

DTSC

DTSC appreciates the CUPA's efforts to reign in the very few facilities that have been recalcitrant. Based on your red tag report and repeat of previous Class 1 violations for hazardous waste, the facility warrants additional formal action. Based on the notes for the Red Tag for Wayside Inn, there may be multiple additional hazardous waste violations not currently showing on CERS. Based on your report descriptions, Wayside Inn's current responsiveness appears to be due to your more formal red tag efforts, but at the same time they intentionally violated the rules they were caught violating before.

DTSC would encourage the CUPA to use a separate Hazardous waste generator checklist to ensure more complete inspections at the UST sites. Previous records reviewed during the evaluation showed various violations combined in a checklist for UST inspections. Use of separate checklists would ensure more complete efforts for each program and better documentation of discovery of new violations and reoccurring violations. Better documentation will lead to better case development for future formal enforcement as the need arises.

Please provide an update with the next progress report.

State Water Board

This deficiency is a work in progress.

State Water Board acknowledges the CUPA is working directly with County Counsel to amend the I&E plan and address revisions of processes for tracking and pursuing a graduated series of enforcement, and an added a process for pursuing administrative enforcement.

With the next progress report update, the CUPA will provide either an amended I&E plan or an action plan to accomplish satisfaction of this deficiency. This includes, but is not limited to, a timeline for revision of the I & E Plan as noted above, timeline of submission to reviewing bodies, and an informed estimate as to when the Board of Supervisors will be presented with revisions for approval.

Deficiency Progress Update 5:

I am planning on doing HWG inspections for the offending facilities in the coming months to ensure that the waste accumulation issues have been handled. I have communication from the owner that he did have a hauler come through, so I want to go through and confirm.

We still have not heard back from County Counsel regarding updates of this plan, so I am going to ask the director to follow-up with them, and if I don't hear anything by the end of March (when I am expecting a decline in inspection frequency) then I am planning to proceed on my own using examples from similar counties. I will do my best to update/reconstruct our plan and procedures. I am hoping I can a working document completed by the summer, and then get it circulated for response/approval by the Fall of 2017.

Evaluation Team Response:**DTSC response**

DTSC encourages the CUPA that when follow ups are conducted at the facilities that need re-inspection that you ensure that the facilities' EPA ID numbers are active, and ensure that manifests or receipts for consolidated shipments are available to review. When RTC is obtained, the hazardous waste portion of this deficiency will be cleared.

State Water Board

This deficiency is a work in progress.

State Water Board acknowledges the CUPA's submission of an early draft version of the I&E plan and is seeking progress on accomplishing this corrective action. State Water Board reviewed the draft I&E plan and does not find the Plan acceptable. State Water Board makes the following recommendations:

- C. General Enforcement Procedures, step 3. states "3)The responsible party is given from seven (7) to thirty (30) days to comply (except for underground storage tank compliance)". However, the compliance for USTs is not clarified. State Water Board recommends stating clearly the time for compliance for USTs.
- E. Enforcement Options discusses the appropriate level of enforcement response as related to different factors. This section does not incorporate the requirements of HSC, Chapter 6.7, Section 25299 Violations; Civil and Criminal Penalties. State Water Board recommends clarification regarding UST violations and the appropriate penalties.
- E. Enforcement Options, step 9 Administrative Enforcement Order refers to "notification of corrective action to abate the effect of hazardous waste" this does not address the full extent of contents of underground storage tanks which contain hazardous materials. State Water Board recommends the AEO statement be clarified to apply to the appropriate aspects of the CUPA programs.
- There is a paragraph at the end of E. 11. Administrative civil penalties for business plan violations – HSC Chapter 6.95, Section 25514.6, which states "The AEO program is applicable to all CUPA programs: HMBP, HW Generator, UST, APSA, and CalARP and will be used as an enforcement option to gain compliance as applicable to any/all of the programs at a given facility." State Water Board recommends clarifying at the beginning the appropriate programs and modifying language so as to make clear this is not business plan specific.
- There are references through the enforcement section to the Department of Toxic Substance Control, Title 27, and HSC 6.11. The UST program falls under Title 23 and HSC 6.7. State Water Board

recommends the language of General Enforcement Procedures and Enforcement Options be tailored to refer to the appropriate statute and regulation for each of the CUPA programs which are affected.

With the next progress update the CUPA will provide to CalEPA:

- A draft I&E plan or an action plan to accomplish satisfaction of this deficiency. This includes, but is not limited to, a timeline for revision of the I & E Plan as noted above, timeline of submission to reviewing bodies, and an informed estimate as to when the Board of Supervisors will be presented with revisions for approval.
- estimate as to when the Board of Supervisors will be presented with revisions for approval.

Deficiency Progress Update 6: For the hazardous waste component of this section I have not yet been able to return to the facilities to verify the removal of hazardous waste due to a busy schedule. The owner stated that it had been completed, and that paperwork was at each of the affected facilities. I asked him to send verification paperwork to our office, but have not received a response. I have been able to catch up on a large amount of the delinquent inspections now, and am planning to get this done within the month. I am planning to have the I&E plan updated and approved internally within our office by September 2017, which it will then be sent upward for approval. It will head to the Director of Health and Human Services for approval first, who will then circulate it up if they deem it necessary. I hope to have this out for approval and signed into effectiveness by November 2017. I am hopeful that once we are able to get a more organized formal enforcement system into place we will start to see immediate results with compliance.

Evaluation Team Response [CalEPA, DTSC, State Water Board]:

CalEPA: CalEPA acknowledges that the CUPA's effort to update the I&E plan. However, the CUPA has not provided a list to CalEPA of all facilities that have been cited with Class I violations, or demonstrated recalcitrant Class II and minor violations within the last three years.

Action items for the next progress report:

1. Provide a list to CalEPA of all facilities that have been cited with Class I violations, or demonstrated recalcitrant Class II and minor violations within the last three years.
2. Provide a copy of the I&E Plan to CalEPA so that the appropriate state agencies may provide the CUPA with feedback before the plan goes to the Director of Health and Human Services for approval.

DTSC: Please provide DTSC with the information that demonstrates that these wastes were appropriately managed in the next Progress Report. Additionally, please inform us as to the enforcement action that will be taken against this facility for their Class 1 violations.

State Water Board: This deficiency is a work in progress.

State Water Board acknowledges the CUPA's provision of an action plan for achieving revision and approval of a revised I&E plan. State Water Board recommends the CUPA give a draft copy to CalEPA for review prior to final acceptance within the appropriate agencies for the CUPA.

Deficiency Progress Update 7: Attached is an export of all Class I violations within the past three years, as well as recalcitrant Class II/minor violations within the past three years. As I was compiling this it was clear that a bulk of the issues can be resolved by just a few recalcitrant operators. Next week I will initiate

contact requesting that the operator get the offending UST facilities into compliance within 7 days or red tags will be placed. The offending facilities are also the facilities that had the hazardous waste violations in question. When the operator comes in I will stipulate that documentation of these violations be provided as well. In the past this communication has spurred immediate action from the operator, so I am hopeful these outstanding violations will be corrected as soon as possible. Our inspection and enforcement plan is still under revision. When a draft is ready to circulate I will forward it to your agencies for comments prior to circulation for approval.

Evaluation Team Response [CalEPA, DTSC, State Water Board]:

Cal EPA response: Cal EPA Commends the CUPA in identifying facilities that have been cited with Class I violations, or demonstrated recalcitrant Class II and minor violations within the last three years. Cal EPA appreciates the CUPA's agenda for perusing RTC for these facilities. The remaining action item is due by the next progress report update:

1. Provide a copy of the I&E Plan to CalEPA so that the appropriate state agencies may provide the CUPA with feedback before the plan goes to the Director of Health and Human Services for approval.

DTSC response: Please review the Wayside Inn UST inspection mentioned above; there was a Class 1 Hazardous Waste violation in that inspection that does not appear on your list of Class I violations. DTSC is encouraged with the CUPAs continued efforts to remedy these few sites that need enforcement. DTSC also advises that the CUPA verify return to compliance with a follow up visit to these recalcitrant facilities. These facilities have demonstrated an unwillingness to correct their outstanding violations that have direct impact on drinking water in their areas. Please provide an update with next progress report.

State Water Board: This deficiency is a work in progress.

State Water Board acknowledges the CUPA's provision of a list of Class I violations and recalcitrant Class II/minor violations occurring since November 24, 2014.

Action items for the next progress report:

1. Provide an updated list to CalEPA of facilities that have been cited with Class I violations, or demonstrated recalcitrant Class II and minor violations with actions taken to obtain compliance. Include the criteria used for determining whether a Class II/minor violation would be included as recalcitrant.
2. Provide a copy of the I&E Plan to CalEPA for state agencies to provide feedback before the plan goes to the Director of Health and Human Services for approval.

Deficiency Progress Update 8:

Enter CUPA Response Here

Evaluation Team Response 8 [CalEPA, DTSC, State Water Board]:

6.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
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	<p>The CUPA did not consistently document return to compliance (RTC) or appropriate follow-up activity for facilities cited with minor violations. Additionally, the CUPA did not consistently ensure that facilities with minor violations became compliant within the required timeframe.</p> <p>Based on a review of RTC available in CERS, during FY 2014/2015 compliance was not achieved within 35 days for 50% of minor violations cited by Lassen County.</p>	<p>By March 8, 2016, the CUPA will identify and contact all facilities that were issued minor violations but have exceeded the time allotted to return to compliance as noted in their inspection reports. The CUPA will provide CalEPA with copies of the RTC documentation received by compliant facilities or take appropriate enforcement action to gain compliance.</p> <p>By June 8, 2016, the CUPA will provide five new examples of RTC documentation at UST facilities to CalEPA for facilities cited with minor violations in a Notice to Comply (NTC) an inspection report, or a Notice of Violation (NOV).</p>
<p>Deficiency Progress Update 1:</p> <p>Letters of non-compliance were sent out to facilities with pending return to compliance (RTC) status. We are still awaiting responses, and will update RTC status as possible. For many of the older violations we were able to look back through facility files, and found that in many cases RTC status was simply not updated in CERS. Also, a number of facilities have been re-inspected since the violation occurred, and have found to be in compliance.</p>		
<p>Evaluation Team Response:</p> <p>The CUPA has not fully complied with the corrective action.</p> <p>The corrective action for this deficiency requires the CUPA to:</p> <ul style="list-style-type: none"> • Provide to CalEPA copies of the RTC documentation received by compliant facilities or documentation of enforcement actions taken to gain compliance. <p>Action Plan:</p> <p>Within thirty (30) days of receipt of the Evaluator Team response, the CUPA will provide to CalEPA:</p> <ul style="list-style-type: none"> • Copies of the RTC documentation received by formerly non-compliant facilities or documentation of enforcement actions taken to gain compliance. 		
<p>Deficiency Progress Update 2:</p> <p>Refer to CERS ID: 10125574, which will show that numerous violations were corrected and they are now operating with full compliance. Attached is a copy of the letter sent to this facility. Also, attached CERS ID: 10173903 inspection report with violations and correction documentation. Also, CERS ID: 10125310 had a number of violations corrected that we due to lack of CERS submittals, the facility had been contacted numerous times via telephone and has made great progress. As stated earlier the inspector's time out of office has contributed to lack of progress here, but we are hoping this will not be a significant problem in the future.</p>		
<p>Evaluation Team Response:</p> <p><u>State Water Board</u></p>		

The CUPA has not fully complied with the corrective action.

The CUPA was to provide five (5) new examples of RTC documentation at UST facilities to CalEPA for facilities cited with minor violations in a Notice to Comply (NTC) an inspection report, or a Notice of Violation (NOV). The CUPA provided three (3) examples of facilities and did not provide all appropriate documentation. For example:

- CERS ID: 10173903 testing due 11/15/15 was completed 12/21/15, no test documents were provided with this progress report update.
- CERS ID: 10125310 no RTC for Failure to Obtain Operating Permit, Permit Conditions or Falsification. No test documents for Spill Bucket testing.

Deficiency Progress Update 3:

We are currently trying to find a way to track RTC that is practical and easier achievable within our office. At this time we are still finding that some process changes are not working. We are currently entering a more manageable time of year for the program, and I am hopeful that pending items will be brought up to date during this time. We have been paying special attention to updating RTC status as soon as documentation/verification is received. As I am still the only CUPA inspector it has been difficult to stay ahead of the inspections as well as the administrative side of things. I am hopeful that during this slower time of year, and with a very clear picture of where our shortcomings have been, that I will be able to establish a process that will work better for our program whether I am in or out of the office.

Evaluation Team Response:

State Water Board

The CUPA has not complied with the corrective action.

The CUPA was to provide five (5) new examples of RTC documentation at UST facilities to CalEPA for facilities cited with minor violations in a Notice to Comply (NTC) an inspection report, or a Notice of Violation (NOV). The CUPA provided three (3) examples of facilities and did not provide all appropriate documentation. For example:

- CERS ID: 10173903 testing due 11/15/15 was completed 12/21/15, no test documents were provided with this progress report update.
- CERS ID: 10125310 no RTC for Failure to Obtain Operating Permit, Permit Conditions or Falsification. No test documents for Spill Bucket testing.

Deficiency Progress Update 4:

Attached are copies of the Red tag documentation resulting from 11/22/16 (I have not input them into CERS yet due to time constraints, but it will be by next week). The documents requested for CERS ID 10173903 and CERS ID 10125310 are attached. Also, please reference CERS ID 10126855 all of the UST violations have been cleared for this facility. Same for CERS ID 10125478. We are hoping that upon meeting with the owner of 5 UST systems within our county on 12/9/16 we will get all of the larger violations officially cleared for both UST and HWG programs. He has been very receptive to working with us to get these violations corrected now that his tanks have been red tagged. I have also requested assistance from SWRCB enforcement division and have been discussing our recalcitrant facilities with their staff and will providing requested records to them to review.

State Water Board Response:

The CUPA has complied with the corrective action. This deficiency is considered corrected.

State Water Board acknowledges receipt of the requested documentation, the CUPAs engagement of the Office of Enforcement to pursue recalcitrant facility owner/operators, and utilizing the full range of enforcement options available to achieve compliance. State Water Board review of the CUPAs CERS CME data indicates the CUPA has additional open violations to address and encourages the CUPA to continue pursuing compliance with these facilities.

Deficiency Progress Update 5: N/A – No further action required.

Evaluation Team Response: N/A – Correction Complete.

7.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETED
	<p>The CUPA is not inspecting its APSA tank facilities that store 10,000 gallons or more of petroleum, at least once every three years.</p> <p>The CUPA has not inspected 36% of their facilities within the last three years.</p>	<p>By March 8, 2016, the CUPA will prepare, implement, and submit to CalEPA, a plan to address this deficiency. The plan will include the following:</p> <ol style="list-style-type: none"> 1. A list of all APSA facilities, that store 10,000 gallons or more of petroleum, that are overdue for an inspection. 2. A prioritization of inspections based on a risk analysis (for example, large volumes of petroleum and/or proximity to navigable water) of all APSA facilities with 10,000 gallons or more of petroleum. 3. How the CUPA will inspect its APSA facilities with 10,000 gallons or more of petroleum at least once every three years and the number of inspectors that will conduct the inspections. <p>By June 8, 2016, the CUPA will submit copies of five completed facility inspection reports, from their list, to CalEPA.</p> <p>By December 8, 2016, all APSA facilities with 10,000 gallons or more of petroleum will have been inspected by the CUPA.</p>

Deficiency Progress Update 1:

We have put together a list of facilities needing inspection, and a plan of how we intend to address them. The weather over the last few months has had a significant hindering effect on our inspection frequency, but as we approach spring and hopefully better weather we are optimistic that the remaining inspections will be completed in a timely manner. Inspections fell behind due to the departure of the previous CUPA inspector and Director, and then time before the current CUPA inspector had completed training. Now that the current CUPA inspector is APSA certified inspections will proceed as normal.

Evaluation Team Response:

The CUPA submitted a list of AST facilities storing *greater than* 10,000 gallons and included the date of last inspection. However, the list was supposed to include all APSA facilities that store *10,000 gallons or more* of petroleum that are overdue for an inspection.

OSFM's review of CERS revealed that the two most recent inspections on the list had not been documented in CERS:

- The CUPA's list shows the last APSA inspection date for CERS ID 10412812 as 6/22/2015, but CERS shows only an "other" inspection dated 6/4/2013.
- The CUPA's list shows the last APSA inspection date for CERS ID 10130140 as 2/17/2015, but CERS shows no APSA inspection data for this facility.

The CUPA's plan states that one inspector will handle the overdue and ongoing inspection workload. The CUPA's I & E Plan states that there are 59 AST facilities, at least 25 of which require triennial inspections. It may be a significant challenge for one inspector to perform all overdue inspections, in addition to the other facilities due for inspection by Dec 8, 2016.

By June 8, 2016, the CUPA will elaborate on the plan provided, and describe its progress toward correcting this deficiency. The CUPA will revise the list provided to ensure all APSA facilities with 10,000 gallons or more of petroleum are represented with last inspection dates.

The CUPA will also submit copies of five completed facility inspection reports, from their list, including the last inspections reports for CERS ID 10412812 and CERS ID 10130140.

Deficiency Progress Update 2:

The list provided was titled incorrectly and did include facilities with capacities of 10,000 gallons and up. We have not made any progress in inspections since the last update due to the significant workload and frequent absence of the inspector. We are hopeful that things will improve steadily from now on.

Evaluation Team Response:

The CUPA's previously submitted list of AST facilities was confirmed by the CUPA as APSA facilities storing *10,000 gallons or more* of petroleum. The list also included a date for the last APSA inspection and highlighted 12 facilities overdue for APSA inspection.

An updated CERS APSA CME report was run to confirm the CUPA's last APSA inspections. The CUPA's list has been expanded by OSFM to include a column identifying the most recent CERS inspection date. The OSFM's updated list has been provided to the CUPA via email. The CUPA is requested to address the following discrepancies by updating CERS where appropriate by the next update:

- The CUPA's list shows the last APSA inspection date for CERS ID 10412812 as 6/22/15, but CERS shows the last inspection date as 6/4/13.
- The CUPA's list shows the last APSA inspection date for CERS ID 10130140 as 2/17/15, but CERS shows no APSA inspection date for this facility.
- The CUPA's list may need to include CERS ID's 10129834 and 10125544- they appear to be APSA facilities storing 10,000 gallons or more of petroleum.

The CUPA has identified no progress on performing APSA inspections since the last update. OSFM observed that per the prior update the CUPA's strategy relative to the 12 highlighted facilities overdue for inspection indicated

a single inspector would be utilized and facility inspections would be caught up by June 2016. It may be a significant challenge for one inspector to perform all overdue inspections, in addition to the other facilities due for inspection by Dec 8, 2016, recognizing the workload and inspector absence issues identified by the CUPA. The CUPA is encouraged to make progress with APSA inspections.

By September 8, 2016, the CUPA will describe its progress in performing inspections related to correcting this deficiency. The CUPA will also submit an updated list of APSA facilities with 10,000 gallons or more of petroleum, including most recent inspection dates. The CUPA's list will highlight facilities overdue for an APSA inspection.

By September 8, 2016, the CUPA will submit copies of five completed facility inspection reports from their list, including the last inspection reports for CERS ID 10412812 and CERS ID 10130140.

By December 8, 2016, all APSA facilities with 10,000 gallons or more of petroleum will have been inspected by the CUPA within the last three years.

Deficiency Progress Update 3:

I have been unable to perform any inspections during the last quarter. I will be participating in the upcoming SPCC training with EPA, and am hopeful that with that new guidance and a slower time for other programs in the next few months that I will be able to aggressively address the overdue inspections. As soon as they are completed they will be input in CERS and copies will be provided.

Evaluation Team Response:

The CUPA has identified no progress on performing APSA inspections since the last update. On the next update, address all items listed in the Evaluation Team Response 2 and ensure that all APSA facilities storing 10,000 gallons or more of petroleum have a current inspection date.

Deficiency Progress Update 4:

After attending the Federal SPCC training I was trying to get additional training with experienced staff in a neighboring county set-up, but wasn't able to find a date that would work for us both. I am still going to try to set that up, but will not hold off on inspections any longer. I have attached our current AST inspection schedule including the two facilities that were unintentionally excluded. I have added a proposed schedule to get caught back up with inspections. We are going to call next week (of 12/12/16) to begin scheduling for facilities that require clearance and travel to ensure that credentials are obtained and pertinent personnel are present. As you will see I am hoping for a bit more patience into the beginning of the year to get these facilities caught up, but do not foresee any issues that would prevent us catching up within the first quarter of the new year.

Evaluation Team Response:

OSFM acknowledges the CUPA's interest in obtaining more APSA training prior to conducting any inspections; however, the CUPA has not made any progress in conducting any APSA tank facility inspections since the last update. The CUPA updated the CUPA's list of APSA facilities storing 10,000 gallons or more of petroleum to include CERS ID's 10129834 and 10125544. The CUPA also added CERS ID 10126696 to the list. The CUPA's list now totals 28 facilities.

Based on CERS APSA CME data, the last and only 2015 APSA inspection was performed on 10/7/2015 at CERS ID 10159495. No APSA inspections have been performed to date in 2016. The CUPA did not meet the corrective action deadline of December 8, 2016, to inspect all APSA facilities with 10,000 gallons or more of petroleum within the last three years. Currently, five facilities have not been inspected in over five years, while eight facilities have not been inspected in the last 4 years. The CUPA's proposed list of first quarter 2017 APSA inspections now totals 26 facilities. The CUPA's ability to perform this amount of inspections in a quarter seems extremely optimistic based on past performance.

The CUPA made no progress in update 3 or 4 to address these items requested in the Evaluation Team Response to Update #2:

- Provide copies of the most recent APSA inspection reports for CERS ID 10412812 and CERS ID 10130140; which were identified on CUPA's list with APSA inspection dates of 6/22/15 and 2/17/15 respectively.
- Update CERS ID 10412812 and CERS ID 10130140 to document the APSA inspections performed in 2015.

By the next update, the CUPA will: (1) complete the remaining corrective action items for the second requested items listed above; (2) submit copies of five completed APSA inspection reports performed in the first quarter of 2017; and (3) update and provide their list of APSA facilities storing 10,000 gallons or more of petroleum to document progress made to the proposed 2017 inspection schedule.

Deficiency Progress Update 5:

I am laughing to myself over my "do not foresee any issues that would prevent us catching up" comment from the last update. I was clearly unable to foresee the unprecedented weather we have had since last December. Lassen county has been slammed by storm after storm. While I have tried to stay on track with my proposed inspection schedule the weather has delayed me. Since 1/1/17 I have performed 11 APSA inspections. I am working on getting CME data uploaded, and the rest of the inspections scheduled. I hope to have the rest of the overdue facilities completed by the end of April. I have included 7 inspection reports. The 2 older ones were just never entered into CERS, which was my oversight. I do have a question: Should I reinspect those facilities since I wasn't APSA certified at the time? My instinct obviously says yes, but I thought I remembered a training timeframe that might allow it. Please let me know. The next 5 were performed in this first quarter, and I retype inspection reports as I enter CME data, so the handwriting is rough there. My apologies. I have also included an updated APSA inspection list.

Evaluation Team Response:

OSFM confirms the CUPA has updated CERS ID 10412812 and CERS ID 10130140 with the APSA inspections performed in 2015, and provided copies of the corresponding inspection reports as requested. The CUPA provided an updated list of all APSA facilities that store 10,000 gallons or more of petroleum that are overdue for an inspection. The CUPA also provided copies of five APSA inspection reports performed in the first quarter of 2017 as requested. The CUPA states that 11 APSA inspections have been performed since 1/1/2017 and that the CERS CME data entry related to these inspections is ongoing. As of 3/10/2017, the most recent APSA inspection record in CERS was dated 10/07/2015.

By the next update, the CUPA will provide an updated list of all APSA facilities that store 10,000 gallons or more of petroleum, that are overdue for an inspection. OSFM encourages the CUPA to maintain progress to the

proposed 2017 inspection schedule, including CERS CME data entry. The CUPA should reinspect each facility that was previously inspected by CUPA staff that had not completed APSA training and passed the exam.		
Deficiency Progress Update 6: The updated inspection schedule for AST facilities with 10,000 gallons or more of petroleum has been attached. All remaining APSA inspections have been scheduled within the next month with the exception of one facility. The Eagle Lake General Store has been closed since I arrived in 2014, and we have been unable to contact the owner. At this point we are not sure how to proceed with this facility.		
Evaluation Team Response [OSFM]: OSFM: OSFM has reviewed the CUPA's updated inspection schedule for AST facilities with 10,000 gallons or more of petroleum. The inspection schedule identifies 28 facilities total, with current APSA inspection history (last inspection within the past 3 years) for 22 facilities, representing 79% of the total facilities. OSFM has run a CERS APSA CME report and found that the most recent APSA inspection record in CERS was dated 10/07/2015. OSFM has provided the CUPA with the CERS report. This deficiency is a work in progress. With the next progress report, the CUPA will include an updated list of APSA facilities that have not been inspected in the last 3 years. OSFM encourages the CUPA to maintain progress to the proposed 2017 inspection schedule, including CERS CME data entry of all inspection and violations.		
Deficiency Progress Update 7: As of today inspections have been performed at all of our facilities with 10,000 gallons or more of petroleum. I have attached the updated list and inspection dates. CME data is being input currently, and is my priority in the next week. Now that all of the inspections are caught up, we will attempt to project forward for the next three years to space them out (inspecting some facilities earlier than 3 years) so that this situation is prevented from occurring again.		
Evaluation Team Response [OSFM]: OSFM response: OSFM has reviewed the CUPA's updated inspection schedule for AST facilities with 10,000 gallons or more of petroleum. The inspection schedule identifies 28 facilities total, with current APSA inspection history (last inspection within the past 3 years) for 28 facilities, representing 100% of the total facilities. OSFM has run a CERS APSA report that confirms all 28 facilities have been inspected within the last three years. OSFM considers this deficiency to be corrected.		
8.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	<p>The CUPA is not ensuring that all appropriate underground storage tank (UST) related fields in the California Environmental Reporting System (CERS) are properly completed by businesses.</p> <p>State Water Resources Control Board (State Water Board) review of CERS submittals finds the CUPA is accepting incomplete or</p>	<p>By March 8, 2016, the CUPA will develop and submit to CalEPA policies and procedures to ensure that only complete and accurate UST information is submitted in CERS prior to acceptance:</p> <p>The policies and procedures should include but not be limited the following steps for accepting CERS submittals such as:</p>

	<p>inaccurate UST related fields in CERS. A few examples of incomplete or inaccurate data fields that have been accepted are as follows:</p> <ul style="list-style-type: none"> • Overfill prevention, corrosion prevention, and piping construction is missing from accepted UST submittals. <p>Note: The State Water Board has published the following guidance on this topic: FAQs “General Reporting Requirements for UST’s”, “When to Issue a UST Operating Permit”, “Common CERS Reporting Errors”, “Setting Accepted Submittal Status”, and “Which Forms Require Uploading to CERS,” State Water Board Correspondence Letter dated January 29, 2015 regarding “When to Review Underground Storage Tank (UST) Records”; and CalEPA Correspondence Letter October 27, 2014 regarding “Reporting Underground Storage Tank Information”.</p>	<ul style="list-style-type: none"> • If staff “accept” submittals with minor errors, a condition is set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe; • If the submittal is not corrected, staff will change the submittal status from “accepted” to “not accepted”: and • How staff will determine if UST fields are complete and accurate. <p>With respect to data already submitted to CERS and accepted by the CUPA, the CUPA will review UST related fields and require complete and accurate submittals for each facility no later than the due date of the next annual UST compliance inspection.</p> <p>This deficiency will be considered corrected when accepted CERS submittals are complete and accurate.</p>
<p>Deficiency Progress Update 1:</p> <p>A procedure regarding UST CERS submittal reviews will be added to our inspection and enforcement plan draft in order to ensure consistency for any future staff. Past and pending submittals for all UST facilities are being reevaluated for accuracy and completion. We are attaching detailed correction information to each submittal, and doing our best to work with our facilities to get the correct information entered into CERS.</p>		
<p>State Water Board Response:</p> <p>The CUPA has not complied with the corrective action.</p> <p>The corrective action for this deficiency requires the CUPA to:</p> <ul style="list-style-type: none"> • Develop and submit to CalEPA policies and procedures to ensure that only complete and accurate UST information is submitted in CERS prior to acceptance. This has not been accomplished. <p>Action Plan:</p> <p>Within thirty (30) days of receipt of the Evaluator Team response, the CUPA will provide to CalEPA:</p> <ul style="list-style-type: none"> • Policies and procedures to ensure that only complete and accurate UST information is submitted in CERS prior to acceptance. • A timeline of actions will accomplish satisfaction of this deficiency. This includes, but is not limited to, development of the appropriate policies and procedures, submission to reviewing bodies, and an informed estimate as to when the documents will be submitted for approval. 		
<p>Deficiency Progress Update 2:</p>		

There has not been any significant progress concerning a policy for this for reasons stated previously. The revision of our inspection and enforcement plan will include CERS review procedures for each element. To correct incorrect information that has been accepted in the past has been a bit of a challenge as we try to get facilities to complete their submittals, but we will continue to work on this.

Evaluation Team Response:

State Water Board

The CUPA has not complied with the corrective action.

State Water Board acknowledges the CUPA is operating with minimal staff and recommends identifying temporary additional support to allow the CUPA to continue meeting their responsibilities while finding a more permanent staffing solution.

Deficiency Progress Update 3:

We have been trying to schedule one on one CERS appointments with our UST facilities to review and correct any incorrect information. Unfortunately, the facilities with the majority of errors are owner/operators that have historically poor compliance and have not been making submittals. We are hopeful that once we identify an AEO process and are able to have a more aggressive enforcement approach that these facilities will quickly come into compliance.

Evaluation Team Response:

State Water Board

The CUPA has not complied with the corrective action.

The corrective action for this deficiency requires the CUPA to:

- Develop and submit to CalEPA policies and procedures to ensure that only complete and accurate UST information is submitted in CERS prior to acceptance. This has not been accomplished.

Action Plan:

Within thirty (30) days of receipt of the Evaluator Team response, the CUPA will provide to CalEPA:

- Policies and procedures to ensure that only complete and accurate UST information is submitted in CERS prior to acceptance.
- A timeline of actions will accomplish satisfaction of this deficiency. This includes, but is not limited to, development of the appropriate policies and procedures, submission to reviewing bodies, and an informed estimate as to when the documents will be submitted for approval.

Deficiency Progress Update 4:

We will be updating our I&E plan to include procedures for reviewing and accepting UST related CERS information, as well as for the other CUPA program elements. We will ensure that this coincides with the SWRCB's recent guidance on timelines for reviewing UST submittals. The facilities with incorrect/missing information represent our most recalcitrant owner/operators and it has been a struggle to get any response from them. Now that we are utilizing red tags and a more aggressive response to violations these operators have been informed that if recalcitrant violations (i.e. failure to submit information via CERS for extended

amounts of time) are not corrected that the facility will be red tagged for operating without a permit. We are encouraging these operators to come into the office to work with us in person to enter the information, and we have our first meeting scheduled for 12/9/16.

Evaluation Team Response:

State Water Board

The CUPA has not complied with the corrective action.

State Water Board acknowledges the CUPA's additional effort in working closely with facility owner/operators to provide hands-on training for CERS submittals, instituting a strategic approach to providing red tags to recalcitrant owner/operators, and a stronger response facility owner/operators. State Water Board review of UST submittals in CERS after March 15, 2016 indicates the CUPA is accepting CERS submittals which are not accurate and complete. For those instances when the CUPA chooses to accept a submittal which is not accurate and complete the CUPA will provide a Regulator Comment to the facility owner letting them know what needs to be corrected and a timeframe for corrective action. If the facility owner/operator does not comply, the CUPA will change the status of the submittal from Accepted to Not Accepted, notify the facility owner/operator of the change, and initiate the appropriate actions to gain compliance.

Action Plan:

Within thirty (30) days of receipt of the Evaluator Team response, the CUPA will provide to CalEPA:

- Policies and procedures to ensure that only complete and accurate UST information is submitted in CERS prior to acceptance, or a process to accept submittals which require corrective action and a Regulator Comment informing the facility owner/operator of the required changes.
- A timeline of actions will accomplish satisfaction of this deficiency. This includes, but is not limited to, development of the appropriate policies and procedures, submission to reviewing bodies, and an informed estimate as to when the documents will be submitted for approval.

Deficiency Progress Update 5:

As I mentioned for deficiency #4 I am planning to proceed with updating (honestly completely overhauling) our I&E plan as my inspection schedule allows. I am planning to review all policies and procedures and update them with current practices, which includes processes for CERS reviews and when to accept/reject data (in all submittal elements) and how to verify if it is correct. I hope to have this accomplished by Fall 2017. That being said I am hoping that maybe I can get a referral to somebody with SWRCB or maybe from another more knowledgeable CUPA to get advice/training on the UST section CERS. Honestly some of the fields are still not clear to me when they apply, and I am not even sure what information we have accepted that is actually incorrect? I mostly was operating off of if the info had been accepted prior to me by certified inspectors that it was still correct (which when I say out loud realize sounds ridiculous). I know that Sean & team data mined it for our evaluation, so is it possible for that information to be made available so that I can push operators for corrections? Any guidance or info in this area would be greatly appreciated. I understand if not though, I know that you guys are just as busy and that it is my responsibility to figure it out.

Evaluation Team Response:

State Water Board

The CUPA has not complied with the corrective action.

State Water Board acknowledges the CUPA's goals to review and revise internal policies and procedures, including processes for CERS submittal review.

Within thirty (30) days of receipt of the Evaluator Team response, the CUPA will provide to CalEPA:

- Policies and procedures to ensure that only complete and accurate UST information is submitted in CERS prior to acceptance, or a process to accept submittals which require corrective action and a Regulator Comment informing the facility owner/operator of the required changes.
- **A timeline of actions will accomplish satisfaction of this deficiency.** This includes, but is not limited to, development of the appropriate policies and procedures, submission to reviewing bodies, and an informed estimate as to when the documents will be submitted for approval.

Deficiency Progress Update 6: I believe the policy/procedure portion of this deficiency may be addressed with our updated Inspection and Enforcement plan, which will be expanded to include CERS submittal procedures for each program element. The update and approval of this plan is projected for Fall 2017. I am the only one who is certified to review and accept/reject UST submittals, and currently I do not accept a submittal unless all applicable documents and fields are complete and accurate to my knowledge. We provide detailed responses to all rejected submittals as to why they were not accepted. The problem is I am having trouble identifying incorrect information that had previously been accepted. Lisa, I am pretty sure you called to try to help me and I must have been out, and then misplaced the message. I am very sorry for not following back up, and appreciate your assistance! Would I just be comparing the tank information entered against the initial tank forms? Please let me know when would be a good time to sidebar with you or somebody from your staff regarding this.

Evaluation Team Response:

State Water Board:

This deficiency is considered corrected.

State Water Board acknowledges the CUPA's timeline for revising the I&E plan to address acceptance of CERS submittals and noting the CUPA is also the sole inspector responsible for CERS submittals. State Water Board review of Accepted CERS submittals on, or after, January 1, 2017 finds the three CERS submittals acceptable.

9.	DEFICIENCY: CORRECTED	CORRECTIVE ACTION: COMPLETE
	<p>The CUPA's staff have not met minimum training requirements established for the Unified Program</p> <p>The CUPA's inspector was hired in 2014, and has prioritized but not completed:</p> <ul style="list-style-type: none"> • Health and safety training; and • Sampling methodologies and use of instrumentation for detection of hazardous substances. 	<p>By March 8, 2016, the CUPA will provide health and safety training to CUPA staff and submit proof of training to CalEPA.</p> <p>By June 8, 2016, the CUPA will ensure that CUPA staff receive training in collection and preservation of samples and submit proof of training, which may include a certificate, CUPA Conference transcript, or course agenda, and proof of attendance.</p>

Deficiency Progress Update 1:

<p>The current CUPA inspector, Sara Chandler, completed a 24-hour HAZWOPER training course and the resulting certificate is attached. We were wondering if the evaluation team might have any suggestions for the necessary sampling methodology/instrumentation use for detection of hazardous substances training? We are in the process of looking for relevant trainings on sampling methods that the inspector can attend.</p>
<p>Evaluation Team Response:</p> <p>The CUPA's inspector complied with the first corrective action and has provided a certificate to demonstrated completion of health and safety training.</p> <p>DTSC will check on possible sampling training available and send information to the CUPA's inspector.</p>
<p>Deficiency Progress Update 2:</p> <p>I never received any training suggestions. Even places to look for training would be helpful. I haven't been able to find any sampling specific trainings. Would the Hazardous Material Technician series be satisfactory? That series of courses has been suggested, and it is something I would like to attend in the future.</p>
<p>Evaluation Team Response:</p> <p><u>DTSC</u> Please contact Alan Ito of DTSC for sampling training classes @ alan.ito@dtsc.ca.gov. DTSC has been working with CUPAs and providing a Sampling for Enforcement course on demand for the past five (5) years. As of this date we are working with Santa Clara City and County CUPAs on the possibility of providing this sampling training to their CUPA.</p> <p>If the staff is responsible for emergency response for their county DTSC recommend that she become qualified to respond to emergency hazamat incidents. If the CUPA inspector is preparing for sampling then DTSC recommends their sampling classes or taking the sampling class at the Advanced Environmental Crimes Training Program at CSTI, which is the same one DTSC provides.</p> <p>Of primary concern is that most CUPA staff (statewide) are not ready to sample when necessary because they either don't have the proper equipment to sample or the medical background to wear an APR.</p>
<p>Deficiency Progress Update 3:</p> <p>The inspector has brought up this information to the Northern Region CUPA TAG who expressed interest in requesting a regional training to address this. I forwarded the info to the TAG co-chair, and am hopeful that it can be scheduled as a group training to assist other rural CUPAs. If I don't hear anything from them in the near future I will contact Mr. Ito myself and try to set up something alone. I am also on the lookout for practical sampling equipment that can be purchased for our office, and the possibility of contracting with a local analytical lab.</p>
<p>Evaluation Team Response:</p> <p>CalEPA Response: CalEPA appreciates that the CUPA is working with the Northern Region Tag to coordinate training for a larger group. With the next update report, please send documentation of training, or if training has not occurred, a date by which training will be completed.</p>

DTSC response: DTSC will continue to work with CUPA on any training need they have.		
Deficiency Progress Update 4:		
I passed on the information for Alan to the Northern TAG, but have not heard anything back. I am going to proceed with contacting Mr. Ito on my own, and will try to schedule something with him for early in the new year. I am also hoping to attend the hazardous materials specialist series that is being organized by Lake County and is projected for March 2017; I have already put my name of the list.		
Evaluation Team Response:		
DTSC If the CUPA sending it inspector to the CUPA conference, there are courses that may satisfy this corrective action. At the upcoming CUPA conference (February 2017), there is a sampling for evidence session in Track J on Tuesday. This class would meet the corrective action intent. The CUPA could still attend a more hands on class at a later dated to gain more proficiency.		
Deficiency Progress Update 5:		
I was able to attend "Sampling & Evidence Collection for Environmental Enforcement" during the 2017 CUPA Conference, and have attached my certificate. I would still like more in-depth training, and will be contacting Mr. Ito to see if he may be available during the summer.		
Evaluation Team Response:		
DTSC response: DTSC considers this deficiency corrected. We can send you any notifications of DTSC trainings near you.		
Deficiency Progress Update 6: N/A – No further action required.		
Evaluation Team Response: N/A – Correction Complete.		
10.	DEFICIENCY: CORRECTED The CUPA did not conduct and prepare the Annual Self-Audit reports, by September 30 th of each year, for fiscal years 2011/2012 and 2012/2013. Prior to the beginning of the evaluation the CUPA conducted and prepared the Annual Self-Audit reports for fiscal years 2012/2013 and 2013/2014 and provided them to the evaluation team to review. The CUPA also prepared the Annual Self-Audit report for fiscal year 2014/2015, which was also provided during the evaluation.	CORRECTIVE ACTION: COMPLETE This deficiency is considered corrected. No further corrective action is necessary.
Deficiency Progress Update 1: N/A – No further action required.		
Evaluation Team Response: N/A – Correction Complete.		

