



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Certified Mail: 7015 1730 0001 0036 5476

August 24, 2018

Mr. Wayne Fox, Director
Environmental Health Division
Fresno County Environmental Health Division
P.O. Box 11867
Fresno, California 93775-1867

Dear Mr. Fox:

During July 2017 through December 2017, the CalEPA and the state program agencies conducted a performance evaluation of the Fresno County Environmental Health Division Certified Unified Program Agency (CUPA). The CUPA evaluation comprises a remote assessment of administrative documentation, review of regulated facility file documentation, California Environmental Reporting System data, and oversight inspections.

Upon completion of the evaluation, a preliminary Summary of Findings report was developed to identify program deficiencies and associated corrective actions with timeframes for correction. Program observations and recommendations are also noted. Enclosed, please find the final report.

Based upon review and completion of the evaluation, the implementation and performance of the Unified Program by the CUPA is considered unsatisfactory.

To demonstrate progress towards the correction of the program deficiencies identified in the final report, the CUPA must submit a deficiency progress report every 90 days from the last day of the evaluation. Due to the delay with finalizing the Summary of Findings, the first deficiency progress report is due November 13, 2018. Submittal of deficiency progress reports is required until all identified deficiencies are considered corrected. Each deficiency progress report should be emailed as a Microsoft Word document file to the CalEPA team lead, Kareem Taylor, at kareem.taylor@calepa.ca.gov.

CalEPA will post the final report and each deficiency progress report at:
<http://cersapps.calepa.ca.gov/Public/Directory/CUPAEvaluationDocuments>.

Failure to adequately correct each of the deficiencies identified in the final report in a timely manner may result in the establishment of a Program Improvement Agreement between CalEPA and the governing body of the CUPA.

Mr. Wayne Fox, Director
Page 2

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

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

Sincerely,

Original signed by Gregory E. Vlasek

Gregory E. Vlasek
Assistant Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

Mr. Vince Mendes
Supervising Environmental Health Specialist
Fresno County Environmental Health Division
P.O. Box 11867
Fresno, California 93775-1867

Ms. Laura Fisher, Chief
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

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

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

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

Mr. Wayne Fox, Director
Page 3

cc sent via email:

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

Ms. Lisa Jensen
Environmental Scientist
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

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

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

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Mr. Kareem Taylor
Environmental Scientist
California Environmental Protection Agency

CERTIFIED UNIFIED PROGRAM AGENCY
FINAL SUMMARY OF FINDINGS

EVALUATION YEAR:	2017	REVIEW PERIOD:	July 2017 through December 2017	ISSUANCE DATE:	August 24, 2018
CUPA:	Fresno County Environmental Health Division				
EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	State Water Board	CAL FIRE - OSFM
	Kareem Taylor	Kevin Abriol	Jack Harrah	Lisa Jensen	Glenn Warner

This **FINAL SUMMARY OF FINDINGS** includes:

- deficiencies identified during the evaluation
- program observations and recommendations

The findings contained within this evaluation report are considered final.

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

Unsatisfactory.

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

<p>The CUPA is required to submit a Deficiency Progress Report every 90 days until all deficiencies have been acknowledged as corrected.</p> <p>Each Deficiency Progress Report must include a narrative stating the correction of <u>all</u> deficiencies identified in the Summary of Findings evaluation report.</p>	<p>Deficiency Progress Report submittal dates for the first year following the evaluation are as follows:</p> <p style="text-align: center;">Update 1: November 13, 2018 Update 2: February 13, 2019 Update 3: May 13, 2019 Update 4: August 13, 2019</p> <p>Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.</p>
---	--

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently following-up and documenting return to compliance (RTC) for facilities cited with violations in inspection reports.</p> <p>A review of violation information in the California Electronic Reporting System (CERS) shows the following:</p> <p>Fiscal Year (FY) 2016/2017</p> <ul style="list-style-type: none">• Hazardous Materials Business Plan (HMBP): 413 out of 625 violations (66%) have no documented RTC• California Accidental Release Prevention (CalARP): one (1) out of two (2) violations (50%) have no documented RTC• Underground Storage Tank (UST): 526 out of 741 violations (71%) have no documented RTC• Aboveground Petroleum Storage Act (APSA): 50 out of 82 violations (61%) have no documented RTC.• Hazardous Waste Generator (HWG): 109 out of 253 violations (43%) have no documented RTC. <p>FY 2015/2016</p> <ul style="list-style-type: none">• HMBP: 205 out of 329 violations (62%) have no documented RTC• CalARP: one (1) out of one(1) violation (100%) has no documented RTC• UST: 200 out of 572 violations (35%) have no documented RTC• APSA: 48 out of 83 violations (58%) have no documented RTC.• HWG: 72 out of 172 violations (42%) have no documented RTC <p>FY 2014/2015</p> <ul style="list-style-type: none">• HMBP: 180 out of 658 violations (27%) have no documented RTC• CalARP: five (5) out of 11 violations (45%) have no documented RTC• APSA: 56 out of 183 violations (31%) have no documented RTC.• HWG: 102 out of 353 violations (29%) have no documented RTC• Tiered Permit (TP): two (2) out of seven (7) violations (29%) have no documented RTC	<p>By UPDATE 1, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of the facilities that have open violations. The CUPA will follow-up with the facilities listed in the provided spreadsheet and prioritize follow-up actions based on the level of hazard. At minimum, the spreadsheet will include:</p> <ul style="list-style-type: none">• Facility name and address;• CERS identification (ID) number;• Facility ID number (if applicable);• Inspection and violation dates;• Scheduled RTC date;• Actual RTC date;• RTC qualifier; and• Follow-up actions, with timeframes. <p>By UPDATE 2, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet.</p> <p>By UPDATE 3, the CUPA will provide CalEPA with a copy of RTC documentation for up to 10 facilities, per program element, as identified by state agencies.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

	Note: Please reference State Water Board correspondence dated November 29, 2016 "When to Review Underground Storage Tank Records."	
	CITATION:	
	HSC, Chapter 6.5, Section 25187.8(b) and (g) HSC, Chapter 6.11, Section 25404.1.2(c) CCR, Title 27, Section 15200(a) CCR, Title 27, Section 15185(a) and (c) HSC, Chapter 6.7, Section 25288(d) [CalEPA, Cal OES, DTSC, OSFM, State Water Board]	
2.	DEFICIENCY: The CUPA's data management system, Envision Connect, is not able to transfer or exchange electronic information submitted by regulated facilities to CERS. Since the 2014 evaluation, the CUPA succeeded in transferring some regulated facility submittals from the local portal to CERS. However, the CUPA is not able to transfer facility site maps, emergency response and training plans, and UST information to CERS. Additionally, the transmittal process has been slow for the information that can be transferred from the local portal to CERS. The CUPA indicated that this is due to the CERS Integration Wizard (CIW) that only allows the upload of one (1) facility's information at a time. This deficiency has been carried over from the 2014 evaluation. CITATION: HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15187(a)(2) [CalEPA, OSFM]	CORRECTIVE ACTION: By UPDATE 1, the CUPA will develop, implement, and provide CalEPA with a plan to transfer all facility submittals from the local reporting portal to CERS. The plan will identify: <ul style="list-style-type: none">• Problem areas and solutions• Timeframe for implementing solutions• The number of facilities with submittal that need to be transferred to CERS• The expected completion date to correct this deficiency By UPDATE 4, the CUPA will have transferred all facility submittal information from Envision Connect to CERS.
3.	DEFICIENCY: The CUPA's single fee system does not fund the necessary and reasonable costs needed to operate the Unified Program.	CORRECTIVE ACTION: By UPDATE 1, the CUPA will review their fee accountability program and determine the fees sufficient to fund the necessary and reasonable costs incurred by the CUPA to implement the Unified Program, including the APSA Program.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none">• The CUPA has implemented the APSA Program since July 2014. However, the CUPA does not assess fees to fund regulatory activities for the APSA Program.• The CUPA's fee schedule has not been updated since 2008. Since 2008, Unified Program expenses should have increased due to increases in the cost of living, electronic reporting implementation, and APSA Program implementation. <p>In the CUPA's 2014 Evaluation Deficiency Progress Report 4 update, the CUPA stated that the Fresno Board of Supervisors "would not support any increase in fee on local regulated businesses as long as the amount of funds present in our Administrative Enforcement Account remains at its current level." While the funds in the Administrative Enforcement Account may be a consideration when determining the fee amounts to assess, the enforcement funds are not a permanent source of revenue.</p> <p>The enforcement funds are not a substitute for the requirement to establish fees at a level sufficient to fund the necessary and reasonable costs incurred by Unified Program implementation.</p> <p>CITATION:</p> <p>HSC, Chapter 6.11, Section 25404.5(a)(2)(A) CCR, Title 27, Section 15210(d) CCR, Title 27, Section 15220(a) [CalEPA]</p>	<p>By UPDATE 4, the CUPA will have revised their fees to a level sufficient to fund the necessary and reasonable costs incurred by the CUPA to implement the Unified Program. Additionally, the CUPA will provide CalEPA with the revised single fee schedule.</p>
4.	<p>DEFICIENCY:</p> <p>The CUPA is not assessing the APSA state surcharge fee from all APSA tank facilities.</p> <p>The following APSA tank facilities were not assessed the APSA state surcharge.</p> <ul style="list-style-type: none">• CERS ID: 10019794 – Oil Changer #607• CERS ID: 10603312 – Sequoia Lake	<p>CORRECTIVE ACTION:</p> <p>By UPDATE 1, the CUPA will develop, implement, and provide CalEPA with a plan to assess, collect and remit the APSA state surcharge. The plan will include, but not be limited to:</p> <ul style="list-style-type: none">• Identification of all APSA tank facilities that were not assessed the APSA state surcharge fee, and

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

DEFICIENCIES IDENTIFIED DURING EVALUATION

	Note: The examples provided above were identified during the CUPA evaluation and may not represent all instances of this deficiency.	<ul style="list-style-type: none"> The steps and timeframes to assess, collect and remit the APSA state surcharge fees. <p>By UPDATE 3, the CUPA will provide CalEPA with a copy of the most recent invoice for six (6) APSA tank facilities selected by CalEPA that shows the correctly assessed APSA state surcharge.</p>
	CITATION:	
	CCR, Title 27, Section 15250(a) [CalEPA]	
5.	<p>DEFICIENCY:</p> <p>The CUPA is not ensuring that all businesses electronically submit a complete HMBP annually to CERS.</p> <p>Review of HMBP submittals in CERS found the following:</p> <ul style="list-style-type: none"> 915 out of 2485 regulated facilities (37%) have not submitted a chemical inventory and site map within the past 12 months. 943 out of 2472 regulated facilities (38%) have not submitted emergency response and employee training plans within the past 12 months. <p>CITATION:</p> <p>HSC, Chapter 6.95, Section 25504(e) HSC, Chapter 6.95, Section 25505(a)(1), (2), (3), and (4) HSC, Chapter 6.95, Section 25508(a)(2) and (3) HSC, Chapter 1, Section 13143.9 2013 CFC, Chapter 50, Sections 5001.5.1 and 5001.5.2 [Cal OES, OSFM]</p>	<p>CORRECTIVE ACTION:</p> <p>By UPDATE 1, the CUPA will develop and provide CalEPA with a list of all regulated businesses that have not submitted a complete HMBP in the past 12 months.</p> <p>By UPDATE 2, and with each subsequent Deficiency Progress Report, the CUPA will update the list with the status of business compliance.</p> <p>By UPDATE 5, the CUPA will have followed-up with each regulated business identified on the list to ensure a complete HMBP is submitted or that appropriate enforcement actions will be initiated.</p>
6.	<p>DEFICIENCY:</p> <p>The CUPA is not inspecting each HMBP facility and each APSA tank facility that store 10,000 gallons or more of petroleum and each HMBP facility at least once every three (3) years.</p> <p>Review of APSA inspection information in the CUPA's Envision Connect database indicates that 52 of 173 (30%) APSA tank facilities that store 10,000 gallons or more of petroleum, have not been inspected in the last three (3) years.</p>	<p>CORRECTIVE ACTION:</p> <p>By UPDATE 1, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each APSA tank facility storing 10,000 gallons or more of petroleum and each HMBP facility is inspected at least once every three (3) years. The plan will include the following:</p> <ul style="list-style-type: none"> A sortable spreadsheet exported from the CUPA's data management system or CERS that contains each APSA tank facility storing 10,000

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

	<p>Review of HMBP inspection information in the CUPA's last three (3) Self-Audit Reports indicate that approximately 13% of HMBP facilities have not been inspected in the last three (3) years.</p> <p>CITATION:</p> <p>HSC, Chapter 6.67, Section 25270.5(a) HSC, Chapter 6.95, Section 25511(b) CCR, Title 27, Section 15200(a)(3)(A) [Cal OES, OSFM]</p>	<p>gallons or more of petroleum and each HMBP facility that has not been inspected in the last three (3) years;</p> <ul style="list-style-type: none"> • A proposed schedule to inspect the identified facilities. Inspection prioritization should consider the most delinquent inspections first, but the prioritization should also be based on a risk analysis of all facilities (i.e., large volumes of petroleum or proximity to navigable water); and • Steps to ensure that each APSA tank facility storing 10,000 gallons or more of petroleum and each HMBP facility will be inspected at least once every three (3) years. <p>By UPDATE 2, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the spreadsheet to indicate inspections that have occurred during the previous quarter.</p> <p>By UPDATE 4, the CUPA will have inspected each APSA tank facility with 10,000 gallons or more of petroleum and each HMBP facility at least once in the last three (3) years.</p>
<p>7.</p>	<p>DEFICIENCY:</p> <p>The CUPA is not consistently reporting all compliance, monitoring, and enforcement information, also known as CME information, to CERS.</p> <p><u>APSA Program:</u></p> <ul style="list-style-type: none"> • CERS ID: 10173985 – APSA inspection report, dated 6/9/2016, documents seven (7) violations. However, CERS has record of only (4) violations. • CERS ID: 10418422 – APSA inspection report, dated 5/6/2015, documents five (5) violations. However, CERS has record of only three (3) violations. • CERS ID: 10459594 – APSA inspection report, dated 4/12/2017, documents nine (9) violations. However, CERS has no record of the inspection or the violations. 	<p>CORRECTIVE ACTION:</p> <p>By UPDATE 1, the CUPA will develop and provide CalEPA with Data Management Procedures or other applicable procedures to ensure the CUPA personnel consistently and correctly report violation information to CERS.</p> <p>By UPDATE 2, the CUPA will, if necessary, amend the procedures based on feedback from the state agencies and submit the revisions to CalEPA.</p> <p>By January 22, 2019, the CUPA will implement and train personnel on the procedures. The CUPA will also provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of CUPA personnel in attendance.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

<p><u>HWG Program:</u></p> <ul style="list-style-type: none">• FY 2013/2014 Self-Audit Report states the CUPA conducted 585 HWG inspections and three (3) TP inspections while CERS data shows only 524 HWG inspections and one (1) TP inspection.• FY 2014/2015 Self-Audit Report states the CUPA conducted 885 HWG inspections and nine (9) TP inspections while CERS data shows only 819 HWG inspections and seven (7) TP inspections.• FY 2015/2016 Self-Audit Report states the CUPA conducted 406 HWG inspections while CERS data shows only 362 HWG inspections.• CERS ID: 10699900 – HWG inspection report, dated 3/29/2016, documents a violation for failure to establish and maintain a contingency plan. However, this violation was not reported in CERS.• CERS ID: 10001047 – HWG inspection report, dated 7/16/2015, documents two (2) violations that returned to compliance on 7/27/2015. However, the RTC information was not reported in CERS.• CERS ID: 10701508 – HWG inspection report, dated 12/15/2015, documents a violation for open hazardous waste containers. However, this violation was not reported in CERS.• CERS ID: 10691965 – HWG inspection report, dated 10/26/2016, documents a Class II violation for empty container management. However, this violation was not reported in CERS.	<p>By UPDATE 4, the CUPA will have reported consistent inspection, violation, and enforcement information to CERS.</p>
<p>CITATION:</p> <p>HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15290(b) CCR, Title 27, Section 15187(c) [CalEPA, DTSC, OSFM]</p>	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: FINAL SUMMARY OF FINDINGS

DEFICIENCIES IDENTIFIED DURING EVALUATION

8.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not properly classifying HWG violations.</p> <p>In some cases, the CUPA is citing HWG violations as minor violations that are Class I or II violations.</p> <p>Since 7/1/2014, the CUPA cited 38 violations for exceedance of hazardous waste accumulation timeframes. 36 of these violations (94.7%) were classified as minor. Violation for exceedance of authorized accumulation time was incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from the Department. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3). Examples include:</p> <ul style="list-style-type: none">• CERS ID: 10140757 – Inspection dated 3/23/2017• CERS ID: 10455247 – Inspection dated 6/11/2017• CERS ID: 10697761 – Inspection dated 1/23/2015 <p>CITATION:</p> <p>HSC, Chapter 6.11, Sections 25404(a)(3) HSC, Chapter 6.5, Sections 25110.8.5, 25117.6 CCR, Title 22, Sections, 66260.10, 66262.34 [CalEPA, DTSC]</p>	<p>By UPDATE 1, the CUPA will train personnel on the terms: minor, Class I, and Class II violations, as described in HSC, Section 25404(a)(3). Additionally, the CUPA will train personnel on when and how to properly classify HWG violations during routine compliance inspections. The CUPA will provide CalEPA with proof of training.</p> <p>By UPDATE 3, the CUPA will provide CalEPA with a copy of an inspection reports for three (3) HWG facilities that were inspected within the last six months and cited with properly classified violations.</p>
9.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA has not identified all generators within their jurisdiction.</p> <p>The CUPA reports in their FY 2015/2016 Self-Audit Report that they regulate 1810 hazardous waste generators. Upon review of the Hazardous Waste Tracking System (HWTS) and Transporter Quarterly Report (TQR) data, DTSC found 2468 EPA ID#'s that shipped waste in 2016. DTSC also notes that over 700 EPA ID#'s that shipped waste in 2016 are currently inactive.</p>	<p>By UPDATE 1, the CUPA will develop, implement and provide CalEPA with an action plan to identify all regulated facilities subject to the HWG Program. The action plan will require the CUPA to review HWTS, TQR shipment data, and facilities in CERS that report being HWG in order to identify all hazardous waste generators in the CUPA's jurisdiction. The action plan will include:</p> <ul style="list-style-type: none">• A list of each facility identified in HWTS and the TQR that is not identified in the local data management system and should be regulated

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

DEFICIENCIES IDENTIFIED DURING EVALUATION

	<p>Examples include but are not limited to, the following facilities:</p> <ul style="list-style-type: none"> EPA ID: CAL000294858 EPA ID: CAL000383610 EPA ID: CAL000370745 EPA ID: CAL000374430 EPA ID: CAL000406598 EPA ID: CAD000629998 EPA ID: CAL000240161 <p>CITATION:</p> <p>HSC, Chapter 6.5, Sections 25101(d) HSC, Chapter 6.11, Section 25404.2(a)(1)(A) CCR Title 22, Sections 67450.3(c) CCR, Title 22, Section 67450.2(b)(4) CCR, Title 27, Section 15100 (b)(3), and CCR, Title 27, Section 15200(a)(3)(A) [CalEPA, DTSC]</p>	<p>under the HWG Program. The list will include the name, address, and EPA ID number for each HWG facility.</p> <ul style="list-style-type: none"> Each HWG facility on the list will be added to the local data management system and placed on an inspection schedule to be inspected by UPDATE 4. Accurate inspection, violation, and enforcement information will be reported CERS on a quarterly basis. <p>By UPDATE 4, the CUPA will have inspected all new HWG facilities that were identified and provide CalEPA with an update of these inspections.</p>
10.	<p>DEFICIENCY:</p> <p>The CUPA is not ensuring that PBR facilities submit required annual permit-by rule (PBR) notifications in CERS.</p> <p>Review of onsite hazardous waste treatment notifications in CERS indicates that 12 out of 14 PBR facilities (86%) have not submitted annual PBR notifications in CERS.</p> <p>CITATION:</p> <p>HSC, Chapter 6.5, Sections 25101(d) HSC, Chapter 6.11, Section 25404.2(a)(1)(A) CCR, Title 22, Sections 67450.3(c) and 67450.2(b)(4) CCR, Title 27, Section 15100 (b)(3) [CalEPA, DTSC]</p>	<p>CORRECTIVE ACTION:</p> <p>By UPDATE 1, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure PBR facilities are submitting required annual PBR notifications. The action plan will at minimum include:</p> <ul style="list-style-type: none"> Identification of PBR facilities that have not submitted required annual PBR notifications to CERS; A proposed schedule to obtain required annual PBR notifications in CERS from the identified PBR facilities; Future steps to ensure that all new onsite hazardous waste treatment facilities submit tiered permitting notifications to CERS and to ensure all PBR facilities submit required PBR notifications annually. <p>By UPDATE 2, and with each Deficiency Progress Report, the CUPA will provide CalEPA with an updated list identifying the PBR facilities that have submitted annual PBR notifications to CERS during the previous quarter.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

DEFICIENCIES IDENTIFIED DURING EVALUATION

		By UPDATE 3, the CUPA will have ensured that all PBR facilities have submitted annual PBR notifications to CERS.
11.	<p>DEFICIENCY:</p> <p>The CUPA is not consistently requiring UST facilities to implement enhanced leak detection (ELD) testing, as required by Health and Safety Code, sections 25292.4 and 25292.5; based on a facility's proximity to public drinking water wells.</p> <p>State Water Board records show there are nine (9) UST facilities which neither completed the required ELD testing nor submitted a request for reconsideration (RFR) to perform ELD testing application</p> <p>State Water Board has provided the CUPA with copies of the formal notification letters and noncompliance letters to implement required ELD testing.</p> <p>Note: If a UST owner/operator believes they are not within 1,000 feet of a public drinking water well, an RFR application must be submitted to State Water Board. The application form can be found at: http://www.waterboards.ca.gov/ust/eld/index.shtml. Once received from the UST owner/operator, State Water Board will make a final determination whether or not ELD testing is required.</p> <p>CITATION:</p> <p>HSC, Chapter 6.7, Section 25292.4 and 25292.5 CCR, Title 23, Section 2644.1 [State Water Board]</p>	<p>CORRECTIVE ACTION:</p> <p>By UPDATE 1, the CUPA will notify UST facility owners/operators they are required to conduct ELD testing within 60 days or immediately submit an RFR. The notification letters shall also include language stating noncompliance may lead to administrative or other formal enforcement measures including but not limited to permit revocation. The CUPA will provide CalEPA with a copy of the notification letters to document notification has been accomplished for all identified facilities.</p> <p>If, within 60 days of notification, ELD testing has not been implemented or the owner/operator has not been granted approval of the RFR, the CUPA shall initiate appropriate enforcement.</p> <p>Once ELD testing has occurred, the CUPA will provide CalEPA with a copy of each facility's test results.</p>
12.	<p>DEFICIENCY:</p> <p>The CUPA is not consistently citing UST violations for facilities with system failures that occurred during the annual monitoring certification test. For example:</p> <ul style="list-style-type: none"> CERS ID: 10705270 – March 29, 2017 inspection report does not identify system failures as violations although such failures actually occurred. No CERS inspection data listed for this facility on this date. 	<p>CORRECTIVE ACTION:</p> <p>By UPDATE 1, the CUPA will revise and provide CalEPA the I&E Plan, or other applicable procedure, describing activities performed by CUPA personnel to ensure violations for facilities with system failures, which occur during the annual monitoring certification test, are properly cited on inspection reports and reported in CERS. This plan will include:</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: FINAL SUMMARY OF FINDINGS

DEFICIENCIES IDENTIFIED DURING EVALUATION

<ul style="list-style-type: none">• CERS ID: 10174441 – April 11, 2016 inspection report does not identify system failures as violations although such failures actually occurred. CERS Inspection data reported in CERS for this facility on this date lists no violations.• CERS ID: 10398778 – November 30, 2016 inspection report does not identify system failures as violations although such failures actually occurred. The inspection report does not identify the UST or UST system with violations. CERS inspection data for this facility on this date lists two (2) non-related violations.• CERS ID: 10407919 – February 26, 2016 inspection report does not identify system failures as violations although such failures actually occurred. CERS inspection data for this facility on this date lists one (1) non-related violation. <p>Note: Refer to Local Guidance letters 159 “Annual Underground Storage Tank Compliance Inspection” and 164 “Reporting of Significant Operational Compliance.”</p>	<ul style="list-style-type: none">• CUPA personnel requirements for review and follow-up of submitted UST testing reports as part of the inspection process;• How to conduct annual UST inspections in the instance when CUPA personnel is on-site to witness the annual UST monitoring certification and visually confirm all UST components are in compliance;• How to conduct annual UST inspections in the instance when CUPA personnel is not on-site and cannot witness the annual UST monitoring certification and visually confirm all UST components are in compliance.• The CUPA’s process for consistently and correctly citing system failures as violations on inspection reports <p>By UPDATE 2, the CUPA will, if necessary, amend the I&E Plan, or other applicable procedure, based on feedback from State Water Board and submit the revisions to CalEPA.</p>
<p>CITATION:</p> <p>HSC, Chapter 6.7, Section 25288(a) [State Water Board]</p>	<p>By UPDATE 3, the CUPA will implement and train personnel on the revised plan or procedure. The CUPA will also provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of CUPA personnel attending the training.</p> <p>By UPDATE 4, and each subsequent Deficiency Progress Report, the CUPA will provide five (5) facility records, as selected by State Water Board that includes inspection reports, monitoring certifications and all other necessary testing and compliance documentation not found in CERS.</p> <p>To demonstrate correction of this deficiency, the CUPA will, for a one-year period, consistently conduct complete annual UST compliance inspections.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

13.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently collecting, retaining, and managing UST Program information necessary to implement the Unified Program.</p> <p>Review of CERS UST information finds a number of facilities do not have any CERS submittal or do not have any accepted CERS submittal.</p> <ul style="list-style-type: none">• No CERS submittal:<ul style="list-style-type: none">○ CERS ID: 10704304○ CERS ID: 10704874○ CERS ID: 10705270○ CERS ID: 10704610• No Accepted CERS submittal:<ul style="list-style-type: none">○ CERS ID: 10398778○ CERS ID: 10458190○ CERS ID: 10458214○ CERS ID: 10476715○ CERS ID: 10482526○ CERS ID: 10593265○ CERS ID: 10730713○ CERS ID: 10743739 <p>Note: The examples provided above were identified during the CUPA evaluation and may not represent all instances of this deficiency.</p> <p>CITATION:</p> <p>CCR, Title 27, Section 15185(a) [CalEPA, State Water Board]</p>	<p>By UPDATE 1, the CUPA will revise and provide CalEPA with a copy of the Data Management procedure. The procedure will include, but not be limited to, the following:</p> <ul style="list-style-type: none">• Identify facilities that do not have either an accepted CERS submittal or any CERS submittal• Identify documents that are required to be collected• Identify the process for collecting required documents• Identify the process for retaining and managing required documents, including inspection, violation, and enforcement information. <p>By UPDATE 2, the CUPA will, if necessary, amend the procedure, based on feedback from the state and submit the revisions to CalEPA.</p> <p>By UPDATE 3, the CUPA will implement and train personnel on the revised procedure. The CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel in attendance.</p>
14.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not regulating, enforcing and ensuring abandoned USTs are properly closed.</p> <p>The following UST facilities have abandoned UST(s) in place as identified during the Abandoned Tanks Initiative headed by United States Environmental Protection Agency (US EPA) and State Water Board:</p> <ul style="list-style-type: none">• Global ID: UST10000275• Global ID: UST10000277	<p>By UPDATE 1, the CUPA will develop and provide to CalEPA an action plan to properly regulate, enforce, and close identified abandoned USTs.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

DEFICIENCIES IDENTIFIED DURING EVALUATION

<ul style="list-style-type: none">• Global ID: UST10000278• Global ID: UST10000280• Global ID: UST10000286• Global ID: UST10000287• Global ID: UST10000289• Global ID: UST10000349• CERS ID: 10704208, UST10000292 listed in CERS as UST applicable• CERS ID: 10695706, UST10000294 listed in CERS as UST applicable• CERS ID: 10704046, UST10000296• CERS ID: 10700422, UST10000297• CERS ID: 10701604, UST10000347• CERS ID: 10690882, UST10000348 <p>State Water Board finds the following:</p> <ul style="list-style-type: none">• Some of the identified abandoned UST(s) are not in CERS, listed above with only Global ID• The CUPA is not consistently conducting annual UST compliance inspections;• The CUPA is not conducting progressive enforcement; and• The CUPA is not reporting Significant Operational Compliance (SOC) information. <p>Note: Please reference State Water Board correspondence dated 4/27/2017 "Conclusion of the Abandoned Underground Storage Tank Initiative, and Unified Program Agency Inspection and Reporting Requirements." Please also reference the following CERS FAQ: "Reporting Abandoned USTs."</p>	<p>By UPDATE 2, the CUPA will revise and provide CalEPA the I&E Plan or other applicable procedure to address abandoned USTs. The procedures will delineate the CUPA's process for regulating, enforcing, and ensuring abandoned USTs are properly closed, which includes, but is not limited to:</p> <ul style="list-style-type: none">• Ensuring abandoned USTs are reported to CERS and remain in CERS until UST closure is completed;• Completing annual UST compliance inspections for abandoned tanks;• Identifying progressive enforcement options for abandoned tanks; and• Providing abandoned tank SOC criteria information to State Water Board. <p>By UPDATE 3, the CUPA will, if necessary, amend the procedures, based on feedback from State Water Board and submit the revisions to CalEPA.</p> <p>By UPDATE 4, the CUPA will implement and train personnel on the procedures. The CUPA will also provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel attending the training.</p> <p>By UPDATE 5, for the identified abandoned USTs, the CUPA will follow up and ensure that proper closure is completed. Any UST(s) installed on or after 1/1/1984, which are operational, or temporarily closed, or abandoned and previously regulated by the CUPA, shall be reported to CERS or to a local reporting portal. The CUPA shall also annually inspect the UST(s) and begin progressive enforcement if not already doing so. The CUPA shall also begin reporting SOC information for the abandoned UST(s) in the next Significant Operational Compliance Report (Report 6).</p>
CITATION:	
HSC, Chapter 6.7, Section 25299(a)(5) or (b)(3) [CalEPA, State Water Board]	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: FINAL SUMMARY OF FINDINGS

DEFICIENCIES IDENTIFIED DURING EVALUATION

		To demonstrate compliance with correcting this deficiency, the CUPA will provide inspection reports for each of the identified UST(s) showing the CUPA conducting annual UST compliance inspections, taking progressive enforcement, and reporting SOC criteria information in Report 6.
15.	DEFICIENCY: The CUPA's FY 2013/2014, 2014/2015, and 2015/2016 Self-Audit Reports do not adequately address all required components. The Self-Audit Reports contain a narrative "Fee Accountability Program" section. However, the narrative does not contain information about the CUPA's fee accountability review and update activities relevant to the FY audited. The FY 2014/2015 and 2015/2016 Self-Audit Reports contain the same language regarding fee accountability activities conducted between 2005 through 2008 calendar years. The Self-Audit Reports do not address the effectiveness of the CUPA's APSA inspection and enforcement activities. CITATION: CCR, Title 27, Section 15280 (a) and (c) [CalEPA]	CORRECTIVE ACTION: By UPDATE 1, the CUPA will provide CalEPA with a copy of the completed FY 2017/2018 Self-Audit Report that adequately addresses the fee accountability review and update and the effectiveness of APSA inspection and enforcement activities.
16.	DEFICIENCY: The CUPA's I&E Plan has inaccurate or incomplete required components. For example: <ul style="list-style-type: none">Provisions for addressing complaints, including the receipt, investigation, enforcement, and closure of a complaint are incomplete. The I&E Plan has some minimal references to complaint activities. However, plan does not contain an adequate description of the provisions for addressing complaints.	CORRECTIVE ACTION: By UPDATE 1, the CUPA will review, revise, and provide CalEPA with a copy of the corrected I&E Plan addressing revisions to the inaccurate or incomplete information.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none">• Page 2: The I&E Plan inaccurately lists the inspection frequency for Onsite Waste Treatment facilities as every 3 years. The frequency should state “initial inspection within two years of notification and every 3 years thereafter.”• Page 6: The following Health Safety Code (HSC) citation is inaccurate; “businesses and facilities that meet the requirements of HSC 25507 are exempt and do not have to submit a HMBP.” The correct citation is “HSC 25507(b), (c), (d), or (e).”• Page 6: The following HSC citation is inaccurate; “HSC 25508(4)(c) requires a handler to annually review the business plan information and resubmit or certify as correct the inventory information.” The correct citation is HSC 25508.2.• Pages 24 and 25: HSC 25515(a) and (b) are the only citations listed for business plan enforcement. This list should also include 25515.1, 25515.2, 25515.3, 25515.4 and 25515.5. Further, HSC 25515.6 also gives the CUPA the injunctive option.• Page 25: HSC 25540(a) and (b) and 25540.5 are the only citations listed for CalARP enforcement. The list should also include HSC 25540.1 and 25541.• Page 32: The phrase “violation of HSC 25511...” is incorrectly associated with a business or facility in violation. HSC 25511 is the authority for the CUPA to conduct inspections, and puts no requirements on the business or facility. Therefore, “violation of HSC 25511” has no meaning in this context.• Page 33: Paragraph 4b uses the phrase “pursuant to HSC 25511” that is incorrectly associated with a business or facility in violation. HSC 25511 is the authority for the CUPA to conduct inspections. The correct citation is HSC 25515.3.• Cross Training of Staff Section: International Code Council (ICC) certification - I&E Plan states new assigned staff shall obtain ICC certification within 180 days of UST facility assignment. Staff who are not new to the agency are expected to obtain ICC California UST Inspector certification prior to conducting UST inspections independent of a certificated ICC California UST Inspector.	
--	---	--

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none">Initial Penalty Matrix Section: Unreported Spills or Releases - This penalty matrix implies an unreported spill or release from a UST may have penalties ranging from \$0 to \$2,000 depending on the extent of deviation and actual or potential harm. Penalties for violation of UST statute or regulation are determined by HSC, Chapter 6.7, Section 25299 and ranges from not less than \$500 or more than \$5,000 for each UST for each day of a violation.	
	CITATION:	
	CCR, Title 27, Section 15200(a) [CalEPA, Cal OES, DTSC, State Water Board]	
17.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA did not establish and implement the following Unified Program administrative procedures:</p> <ul style="list-style-type: none">Records maintenance procedures that include:<ul style="list-style-type: none">Identification of the records maintained,Minimum retention times,Archive procedures, andProper disposal methods.Financial management that include:<ul style="list-style-type: none">Single fee system,Fee accountability program, andSurcharge collection and reimbursement program.Data management procedures that include:<ul style="list-style-type: none">The collection, retention, and management of electronic data and documents,The transfer and exchange of electronic data through an applicable local information management system or local reporting portal, andThe reporting of electronic data.	<p>By UPDATE 1, the CUPA will develop and provide CalEPA with Unified Program administrative procedures for records maintenance, financial management and data management.</p> <p>By UPDATE 2, the CUPA will, if necessary, amend the procedures, based on feedback from the CalEPA. The CUPA will also submit the revised procedures to CalEPA.</p> <p>By UPDATE 3, the CUPA will implement and train personnel on the revised procedures. The CUPA will also provide training documentation to CalEPA. Training documentation will include, but not be limited to, an outline of the training conducted and a list of CUPA personnel in attendance.</p>
	CITATION:	
	CCR, Title 27, Section 15180(e) [CalEPA]	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

INCIDENTAL FINDINGS REQUIRING CORRECTIVE ACTION

The findings and corrective actions provided in this section address specific incidents or activities the CUPA is required to address that do not rise to the level of a systemic deficiency. However, resolution of these matters is required by regulation or statute.

1.	<p>FINDING:</p> <p>The CUPA is not consistently collecting, managing and reporting the number of UST inspections.</p> <p>State Water Board review of Report 6, Self-Audit Reports and CERS CME finds the number of inspections reported differ between the reporting formats:</p> <ul style="list-style-type: none">• FY 2016/2017<ul style="list-style-type: none">○ Report 6 reports 461 inspections with 415 facilities (111%)○ CERS CME reports 341 inspections (82%)○ CERS lists 368 UST facilities in the facilities list• FY 2015/2016<ul style="list-style-type: none">○ Report 6 reports 466 inspections with 415 facilities (112%)○ Self-Audit reports 414 inspections and 414 facilities (100%)○ CERS CME reports 410 inspections (99%) <p>Collecting, managing and reporting the number of UST inspections is required as part of: CCR, Title 23, Section 2713(c)(3) CCR, Title 27, Section 15185(a) [State Water Board, CalEPA]</p>
	<p>CORRECTIVE ACTION:</p> <p>By UPDATE 1, the CUPA will perform a thorough analysis of the Data Management Procedure, or other applicable procedure, and conclude why reported inspection numbers differ between the different reporting formats. The CUPA will provide formal findings of the analysis to CalEPA for review.</p> <p>By UPDATE 2, based on the CUPA's analysis of the Data Management Procedure, or other applicable procedure, the CUPA will revise and provide CalEPA with the procedure. The Data Management Procedure will include, but not be limited to:</p> <ul style="list-style-type: none">• Collecting, retaining, managing, and reporting inspection information;• How personnel report inspection information at the local level; and• How inspection information is reported to state agencies. <p>By UPDATE 3, the CUPA will, if necessary, amend the procedure, based on feedback from State Water Board and submit the revisions to CalEPA.</p> <p>By UPDATE 4, the CUPA will implement and train personnel on the revised procedure. The CUPA will also provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel attending training.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

INCIDENTAL FINDINGS REQUIRING CORRECTIVE ACTION

	To demonstrate correction of this deficiency, the CUPA will consistently report the number of UST inspections conducted in Report 6 and CERS for two (2) consecutive Report 6 reporting periods.
--	--

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS**

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

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

1.	<p>OBSERVATION:</p> <p>The Title 19 citations in the CUPA's Area Plan are obsolete. Articles 3 and 4 of Title 19 of CCR were recently renumbered, with no other changes. Examples include, but are not limited to, the following:</p> <ul style="list-style-type: none">• Page 7: The header, "section 2720" should be "section 2640". In numbered paragraphs 1 and 2, "2720-2728" should be "2640-2648".• Page 11: The header "2722" should be "2642".• Page 24: The header "2723" should be "2643".• Page 43: The header "2724" Should be "2644".• Page 48: The header "2725" should be "2645".• Page 55: The header "2726" should be "2646".• Page 64: The header "2727" should be "2647".• Page 65: The header "2728" should be "2648".• Page 66: The header "2660" should be "2622".• Page 68, 2722(a) and (b) should be 2642(a) and (b), 2723(d), (e), (f) and (g) should be 2643(d), (e), (f) and (g), and 27276(a) does not exist, but should probably be 2646(a).• All of the Title 19 citations on the reporting form are obsolete. <p>RECOMMENDATION:</p> <p>Cal OES recommends that the CUPA correct the Title 19 citations in the Area Plan when it is next updated.</p>
2.	<p>OBSERVATION:</p> <p>OSFM review of the CUPA's I&E Plan finds that it contains APSA Program information that are inaccurate or outdated.</p> <ul style="list-style-type: none">• In the Required Frequency of Inspection table on page 2, the triennial statutory inspection frequency applies to APSA facilities storing 10,000 gallons or more of petroleum. The accurate citation is HSC 25270.5(a).• In the Scheduled Frequency of Inspection table on page 3, it is unclear if the CUPA intends to inspect all APSA facilities or just those storing 10,000 gallons or more of petroleum. If the CUPA's plan is to inspect all APSA facilities, then it is appropriate to reference HSC 25270.5(b). Otherwise, it is better to cite HSC 25270.5(a). <p>In addition, multiple instances of referral to the APSA Program as APSA/Spill Prevention Control and Countermeasure (SPCC) were observed, including the table of contents and pages 1, 2, 3, 9, 24, 25, and 35. The CUPA implements and enforces the APSA Program. The CUPA has no authority to implement or enforce the Federal SPCC rule. It is more accurate to only refer to the APSA Program.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

	RECOMMENDATION:
	OSFM recommends that the CUPA update the APSA Program information in the CUPA's I&E Plan.
3.	OBSERVATION:
	<p>OSFM observed that the CUPA regulates many farms. Effective 1/1/2016, Senate Bill (SB) 612 aligned the applicability threshold for farms with that of the Federal SPCC rule, which has increased to 2,500 gallons of oil or 6,000 gallons of oil (with no reportable discharge history) per the Federal Water Resources Reform and Development Act (WRRDA) of 2014. More information on farms under APSA may be found at http://osfm.fire.ca.gov/cupa/apsa (refer to fact sheet "APSA and SB 612 for Farms") and more information on farms under the Federal SPCC rule may be found at https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spill-prevention-control-and-countermeasure-spcc.</p>
	RECOMMENDATION:
	<p>OSFM recommends that the CUPA review its list of conditionally exempt tank facilities at farms, verify if their total oil storage capacity meets the WRRDA thresholds, and determine if they are still regulated as conditionally exempt tank facilities under APSA.</p> <p>Farms that are no longer regulated under APSA due to SB 612 oil applicability thresholds should be identified in CERS as APSA "Not Applicable". The CUPA is encouraged to change the CERS APSA facility reporting requirement from "Applicable" to "Not Applicable" for such farms.</p>
4.	OBSERVATION:
	<p>The CUPA utilizes a single checklist for all facility types. The current APSA violation checklist version is not identified with any revision date. However, it contains only about 34 violations.</p> <p>The CERS APSA violation library was updated in June 2016. Several revisions were made including removal and addition of violations, resulting in approximately 88 total violations. The CUPA Forum Board created four 2016 versions of the APSA checklists (Tier I Qualified Facility, Tier II Qualified Facility, Conditionally Exempt, Professional Engineer-Certified SPCC Plan Facilities) based on the 2016 APSA violation library.</p> <p>The CERS APSA violation library was updated again in 2017. The 2017 revisions are available and effective in CERS since October 2017. Significant APSA revisions include the addition of 6 new violations (4010054, 4010055, 4010056, 4010057, 4030041 and 4030042) and the deletion of 5 violations (4010046, 4010049, 4010053, 4030004 and 4030024). In addition, many existing violations were modified in the name and description fields.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

	RECOMMENDATION: OSFM recommends that the CUPA utilize comprehensive APSA inspection checklists and ensure that the checklist items are applicable to the tank facilities being inspected. Note that Tier I qualified facilities are not subject to all the provisions of Tier II qualified facilities or a facilities required to have an SPCC Plan certified by a professional engineer. Conditionally exempt facilities are subject to a very limited set of provisions compared to Tier I or Tier II qualified facilities, or facilities required to have an SPCC Plan certified by a professional engineer. The CUPA is advised to maintain awareness of when these checklists become available. OSFM recommends that the CUPA update its APSA Violation checklists to reflect the new violations, deleted violations, and modified violation names and descriptions present in the 2017 CERS Violation Library update.
5.	OBSERVATION: During DTSC's review of facility HWG inspection reports, DTSC noted that the CUPA is using a checklist with only eight (8) hazardous waste violations. RECOMMENDATION: DTSC recommends that the CUPA use a more extensive checklist such as the checklist developed by the CUPA Forum Board. It is noted that the CUPA fully documents in detail factual basis for violations, observations, and corrective actions.
6.	OBSERVATION: State Water Board review of CERS submittals finds the CUPA is taking longer than 60 days to review and take action on CERS submittals. <ul style="list-style-type: none">• As of September 2017, 61% of the CUPA's CERS submittals took more than 60 days to review and take action on.• CERS ID: 10464487 submittal made 1/13/2014, Accepted 10/22/2015• CERS ID: 10407775 submittal made 1/23/2017, Accepted 9/11/2017• CERS ID: 10593670 submittal made 10/22/2014, not yet dispositioned• CERS ID: 10730713 submittal made 3/17/2017, not yet dispositioned RECOMMENDATION: State Water Board recommends that the CUPA review and take action on CERS submittals within 60 days of submission. For additional information, please reference State Water Board correspondence dated 11/29/2016, "When to Review Underground Storage Tank Records."

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: FINAL SUMMARY OF FINDINGS

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

7.	<p>OBSERVATION:</p> <p>State Water Board review of CERS CME inspection data finds the CUPA may be classifying “Other” inspections as “Routine.” A routine inspection is a regularly scheduled inspection to evaluate compliance, a routine inspection does not include follow-up inspections. Other inspections include complaint investigations, closure, release investigations, tank installation and/or removal oversight, tank cleaning, and follow-up enforcement inspections, or other inspections that may be in addition to a regularly scheduled inspection.</p> <p>Following are examples:</p> <ul style="list-style-type: none">• CERS ID: 10697350 has two (2) UST routine inspections in FY 2014/2015 and FY 2016/2017• CERS ID: 10469359 has two (2) UST routine inspections in FY 2015/2016 and FY 2016/2017• CERS ID: 10696201 has two (2) UST routine inspections in FY 2016/2017 <p>RECOMMENDATION:</p> <p>State Water Board recommends that the CUPA classify annual UST compliance inspections as “Routine” and inspections such as verification inspections, complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations as “Other.”</p>
8.	<p>OBSERVATION:</p> <p>State Water Board review of CERS finds that there are one (1) or more UST systems in the CUPA’s jurisdiction that may need to be permanently closed in accordance with HSC, Chapter 6.7, Section 25292.05 by 12/31/2025.</p> <p>The following are examples of facilities that may require permanent closure. Please note, this list may not include all systems subject to the 2025 Single-Walled closure requirements:</p> <ul style="list-style-type: none">• CERS ID: 10165937 – Tanks 1 – 3• CERS ID: 10701526 – Tanks 1 – 8• CERS ID: 10688470 – Tanks 1 – 3 <p>RECOMMENDATION:</p> <p>State Water Board recommends that the CUPA continue to provide verbal reminders to UST facility owner/operators and consider providing written notification of the requirements for permanent closure of single-walled USTs no later than 12/31/2025. The notification should inform the facility owner/operators that, to stay in compliance with the law and avoid fines, owner/operators must replace or remove their single-walled USTs by the deadline date. Additional information about the single-walled UST closure requirements may be found at: http://waterboards.ca.gov/water_issues/programs/ust/single_walled/.</p> <p>The facility owner/operator should be notified as well about the Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program grants and loans that are available to assist eligible small businesses with the costs necessary to remove, replace, or upgrade project tanks. For more information on funding sources, visit the link below. http://www.waterboards.ca.gov/water_issues/programs/ustcf/rust.shtml</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS**

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

9.	<p>OBSERVATION:</p> <p>State Water Board review of the Unified Program Facility Permit, which includes the UST operating permit, finds the permit was missing the required UST identification number or the CERS ID number. In addition, information on the permit indicates it is to be displayed conspicuously on the premises.</p> <p>Examples include:</p> <ul style="list-style-type: none">• CERS ID: 10174441 – Permit displays TA0054275 – TA0054277 for tank IDs. CERS indicates tank IDs are: T1 – T3• CERS ID: 10483120 – Permit displays TA0053964 – TA0053966 for tank IDs. CERS indicates tank IDs are: 1756-1, 1756-2B, 1756-2A• CERS ID: 10174445 – Permit displays TA0038793 – TA0038795 for tank IDs. CERS indicates tank IDs are: 1 – 3• CERS ID: 10448776 – Permit displays TA0051489 – TA0051491, TA0055139 for tank IDs. CERS indicates tank IDs are: 1 – 4 <p>RECOMMENDATION:</p> <p>State Water Board recommends that the CUPA ensure the permit reflects the tank ID as listed in CERS and includes the CERS ID for the facility. Correctly identifying the tank, or tanks, authorized under the permit assists in providing the facility owner/operator access to clean-up fund resources as well as assisting in the effective pursuit of enforcement activities.</p> <p>Please note, effective January 1, 2017, Title 23 includes revisions for permit conditions in section 2712(c). Specifically, section 2712(c) now allows permits to be retained electronically or physically at the facility and requires permits to include the CERS identification number.</p>
10.	<p>OBSERVATION:</p> <p>State Water Board review of the CERS UST DataDownload report finds CERS submittals are largely accurate and complete. State Water Board notes a few instances of inaccurate data in accepted CERS submittals. This includes, but is not limited to, the following examples:</p> <ul style="list-style-type: none">• UST systems installed on, or after, 7/1/2004 with one (1), or more, identified single-wall components when required to have double-wall components:<ul style="list-style-type: none">○ CERS ID 10458223 (tanks TA0049792, TA0049793, TA0049794) installed 10/20/2014• UST systems without installation dates:<ul style="list-style-type: none">○ CERS ID 10688470 (Tanks 1 - 3)○ CERS ID 10174449 (Tanks T1, T2)○ CERS ID 10592932 (Premium Unleaded Tank #3, Unleaded Tank # 1, Regular Unleaded Tank# 2)• UST system with double-wall pressurized piping that do not identify either mechanical or electronic line leak detection:<ul style="list-style-type: none">○ CERS ID 10165853 (tanks 5, 6)• UST systems with tanks installed after 1/1/1984 where the tank is identified as single-wall:<ul style="list-style-type: none">○ CERS ID 10701526 (tanks 4 - 8)

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

	RECOMMENDATION: State Water Board recommends that the CUPA review CERS submittals for inaccurate data and continuing to assist facility owner/operators to obtain accurate and complete data with the next CERS submittal, but no later than one (1) year.
--	--