



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

December 3, 2020

Mr. Silvio Lanzas
Fire Chief
Glendale City Fire Department
780 Flower Street
Glendale, California 91201-3057

Dear Mr. Lanzas:

During August through September, 2018, CalEPA and the state program agencies conducted a performance evaluation of the Glendale City Fire Department Certified Unified Program Agency (CUPA). The CUPA evaluation included 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 various findings: program deficiencies with corrective actions, incidental findings with resolutions and program observations and recommendations. Enclosed, please find the final Summary of Findings report.

CalEPA recognizes the delayed issuance of this final Summary of Findings report. Consequently, as the next CUPA Performance Evaluation is scheduled to begin in February 2021, there is sufficient time for submittal and review of one Evaluation Progress Report, although the timeframe for completion of corrective actions and resolutions may extend beyond submittal of the first Evaluation Progress Report.

The CUPA is required to submit the Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings Report, **February 5, 2021**. The Evaluation Progress Report must be submitted to Tim Brandt at Timothy.Brandt@calepa.ca.gov.

The CUPA is strongly encouraged to provide an update detailing as much progress made as possible in accomplishing the corrective actions and resolutions for each identified deficiency and incidental finding, particularly if steps for corrective actions and resolutions outlined for completion in anticipated subsequent Progress Reports have been completed and addressed at present. Any deficiencies that remain uncorrected will be incorporated into the next performance evaluation.

Based upon review and completion of the performance evaluation, CalEPA has rated the CUPA's overall implementation of the Unified Program as unsatisfactory.

Mr. Silvio Lanzas
Page 2

Failure to adequately correct each of the deficiencies and resolve each of the incidental findings identified in the final Summary of Findings may result in the establishment of a future Program Improvement Agreement between CalEPA and the governing body of the CUPA.

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 Melinda Blum at Melinda.Blum@calepa.ca.gov or me, at John.Paine@calepa.ca.gov.

Sincerely,

John Paine
Unified Program Manager

Enclosure

cc sent via email:

Mr. Jeff Ragusa
Fire Marshal
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Ms. Annalisa Kihara
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Mr. Silvio Lanzas
Page 3

cc sent via email:

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Mr. Jason Boetzer
Assistant Secretary for Local Programs
and Emergency Response
California Environmental Protection Agency

Mr. Silvio Lanzas
Page 4

cc sent via email:

Ms. Melinda Blum
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency

Mr. Tim Brandt
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: Glendale City Fire Department

Evaluation Period: August 21, 2018 to September 5, 2018

Evaluation Team Members:

- **CalEPA Team Lead:** Timothy Brandt, Marc Lorentzen
- **DTSC:** Elizabeth Brega, Matthew McCarron
- **Cal OES:** Denise Gibson, Jack Harrah
- **State Water Board:** Lisa Jensen
- **CAL FIRE-OSFM:** Joann Lai

This Final Summary of Findings includes:

- Deficiencies requiring correction
- Incidental findings requiring resolution
- Observations and recommendations

The findings contained within this evaluation report are considered final.

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

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

Timothy Brandt
CalEPA Unified Program
P.O. Box 2815
Sacramento, CA 95812
Phone: (916) 323-2204
E-mail: Timothy.Brandt@calepa.ca.gov

CalEPA recognizes the delayed issuance of this final Summary of Findings report. Consequently, as the next CUPA Performance Evaluation is scheduled to begin in February 2021, there is sufficient time for submittal and review of one Evaluation Progress Report, although the timeframe for completion of corrective actions may extend beyond submittal of the first Evaluation Progress Report.

The CUPA is required to submit the Evaluation Progress Report 60 days from the receipt of this Final Summary of Findings Report. The Evaluation Progress Report must be submitted to the CalEPA Team Lead at Timothy.Brandt@calepa.ca.gov no later than **February 5, 2021**.

The CUPA is strongly encouraged to provide an update detailing as much progress made as possible in accomplishing the corrective actions for each identified deficiency, particularly if steps for corrective actions outlined for completion in anticipated subsequent Progress Reports have been completed and addressed at present. Any deficiencies that remain uncorrected will be incorporated into the next performance evaluation.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

Program deficiencies identify specific aspects regarding inadequate implementation of the Unified Program. The CUPA must complete the corrective action(s) indicated to demonstrate sufficient implementation of the Unified Program as required by regulation or statute.

1. DEFICIENCY:

The CUPA is issuing Unified Program Facility Permits, which includes the Underground Storage Tank (UST) operating permit, to facilities with Underground Storage Tanks (USTs) that are not in compliance. For example:

- CERS ID 10166761
 - UST operating permit issued January 1, 2018
 - Violations cited prior to January 1, 2018, were without return to compliance (RTC)
- CERS ID 10460578
 - UST operating permit issued January 1, 2018
 - Violations cited prior to January 1, 2018, were without RTC

The UST operating permit does not consistently identify the CERS identification number.

Note: The examples provided above may not represent all instances of this deficiency.

Note: Please reference State Water Board correspondence dated April 7, 2017, "Amended Requirements for Unified Program Facility Permits Effective January 1, 2017."

Note: Effective January 1, 2019, HSC, Chapter 6.7, Section 25285 was amended to state a permit cannot be issued if a Red Tag has been affixed or if enforcement is pending.

CITATION:

HSC, Chapter 6.7, Section 25285(b)
HSC, Chapter 6.11, Section 25404.2(a)(1)(A)
CCR, Title 23, Section 2712(c) and (e)
[State Water Board]

CORRECTIVE ACTION:

While this deficiency was identified during the 2015-2018 evaluation, no corrective action is required at this time. Effective January 1, 2019, HSC, Section 25285 no longer prevents the issuance of permits for noncompliance. A UST operating permit, which is issued under the UPFP may only be withheld for facilities that have a red tag affixed to the UST system, and/or for those with an owner or operator who is subject to an enforcement action.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

2. DEFICIENCY:

The CUPA is not consistently requiring UST facilities with testing or leak detection failures to return to compliance.

- CERS ID 10460578 - seven violations issued December 21, 2016, including:
 - “Failure to comply with one or more of the following: conduct secondary containment testing, within six months of installation and every 36 months thereafter, conducted in accordance with proper practices, protocols, or test methods.” Violation has no RTC.
 - “Failure to maintain the interstitial space under constant vacuum, pressure, or hydrostatic such that a breach in the primary or secondary containment is detected before the liquid or vapor phase of the hazardous substance stored in the UST tank is released into the environment. (Product Tight).” Violation has no RTC.

Note: The examples provided above may not represent all instances of this deficiency.

Note: Please reference State Water Board correspondence dated November 29, 2016, “When to Review Underground Storage Tank Records.”

CITATION:

HSC, Chapter 6.7, Section 25288(d)
[State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will identify and provide CalEPA with a list of UST facilities cited for testing or leak detection failures that have not returned to compliance. The CUPA will initiate appropriate enforcement actions as necessary to obtain compliance.

By the 2nd Progress Report, and with each subsequent Progress Report, the CUPA will provide an updated list to CalEPA documenting the status of each identified UST facility.

By the 3rd Progress Report, the CUPA will provide CalEPA with a copy of RTC documentation for up to five facilities, as selected by State Water Board.

3. DEFICIENCY:

The CUPA is not consistently following-up and documenting RTC for facilities cited with Hazardous Waste Generator (HWG) and Aboveground Petroleum Storage Act (APSA) violations.

Review of CERS compliance, monitoring and enforcement (CME) information indicates the following:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

HWG Program:

- FY 2014/2015: 13 of 78 violations (17%) have no documented RTC.
- FY 2015/2016: 8 of 22 violations (36%) have no documented RTC.
- FY 2016/2017: 22 of 47 violations (47%) have no documented RTC.
- FY 2017/2018: 27 of 46 violations (59%) have no documented RTC.

Note: CERS CME information reflects RTC for 159 of 557 (29%) facilities with violations cited from 2018 until present.

APSA Program:

- FY 2017/2018 – 6 of 6 (100%) violations have no documented RTC, including one violation for no SPCC Plan (CERS violation #4010001).

CITATION:

HSC, Chapter 6.5, Section 25187.8(b) and (g)

HSC, Chapter 6.11, Section 25404.1.2(c)

CCR, Title 27, Sections 15185(a) and (c), and 15200(a)

[DTSC, OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of each HWG and each APSA facility that has open violations. The CUPA will follow-up with each HWG and each APSA facility listed and prioritize follow-up actions based on the level of hazard. At minimum, the spreadsheet will include:

- Facility name and address;
- CERS ID number;
- Facility ID number (if applicable);
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date;
- RTC qualifier; and
- Follow-up actions.

By the 2nd Progress Report, and with each subsequent Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet. The CUPA will also provide CalEPA with a copy of RTC documentation for up to five HWG facilities as requested by DTSC and for up to three APSA facilities as requested by OSFM, during the previous three months. In the absence of RTC documentation, the CUPA will provide CalEPA with a narrative of the informal

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

or formal graduated series of enforcement applied to ensure facilities cited with violations return to compliance.

DTSC requests RTC documentation for the following HWG facilities:

- CERS ID 10644805: Inspection dated September 6, 2018 (23 violations)
- CERS ID 10174247: Inspection dated September 27, 2018 (13 violations)
- CERS ID 10190917: Inspection dated July 12, 2019 (4 violations)
- CERS ID 10001224: Inspection dated June 12, 2019 (3 violations)
- CERS ID 10473448: Inspection dated February 11, 2019 (3 violations)

4. DEFICIENCY:

The CUPA is not consistently or correctly reporting HWG Program CME information to CERS.

Review of CERS CME data and facility file information finds the following examples:

- CERS ID 10420846
 - An inspection report dated July 10, 2017, for tiered permitting and an inspection report dated July 10, 2017 (the same date), for a large quantity generator are not in CERS.
- CERS ID 10132924
 - An inspection report dated August 18, 2017, for tiered permitting and an inspection report dated August 18, 2017 (the same date), for a large quantity generator are not in CERS.
- CERS ID 10140911
 - An inspection dated July 7, 2018, documents Resource Conservation and Recovery Act (RCRA) large quantity generator (LQG) violations in CERS, however, this facility is a small quantity generator (SQG).

Note: The examples provided above may not represent all instances of this deficiency.

Note: The CUPA is aware of the limitations of the local data management software and is now reporting CME data to CERS directly. The CUPA has a long-term plan to implement a new local data management software.

CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 27, Sections 15187(c) and 15290(b)
[CalEPA, DTSC]

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will revise and provide CalEPA with the Data Management Procedure or other applicable procedure to ensure CUPA personnel consistently and correctly report violation information to CERS.

By the 2nd Progress Report, the CUPA will, if necessary, amend the procedure based on feedback from CalEPA and DTSC, and will submit the amended procedure to CalEPA.

By the 3rd Progress Report, the CUPA will implement and train CUPA personnel on the revised or amended procedure and will provide training documentation to CalEPA. Training documentation will include, at minimum, an outline of the training conducted and a list of CUPA personnel in attendance.

By the 3rd Progress Report, the CUPA will have consistently and correctly reported CME information to CERS.

5. DEFICIENCY:

The CUPA did not consistently include observations, factual basis, and corrective actions for each violation cited on HWG and tiered permitting (TP) inspection reports.

Review of facility files provided by the CUPA finds the following inspection reports did not consistently include observations, factual basis, and/or corrective actions:

- CERS ID 10489855 inspection dated March 28, 2016
- CERS ID 10457779 inspection dated September 25, 2017
- CERS ID 10132924 inspection dated August 17 and 18, 2017
- CERS ID 10459117 inspection dated October 3, 2016
- CERS ID 10190395 inspected dated May 17, 2017
- CERS ID 10417078 inspected dated April 6, 2017
- CERS ID 10645924 inspected dated August 7, 2018
- CERS ID 10644067 inspected dated August 2, 2018
- CERS ID 10511674 inspected dated August 7, 2018
- CERS ID 10408063 inspected dated August 14, 2018

CITATION:

HSC, Chapter 6.5, Section 25185(c)(2)(A)
[DTSC]

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide report writing training to each CUPA inspector to ensure that all violations cited in HWG inspection reports consistently include observations, factual basis, and corrective actions. The CUPA will provide CalEPA with training documentation, which at minimum will include an outline of the training conducted and a list of CUPA personnel attending the training.

By the 2nd Progress Report, the CUPA will provide CalEPA with a copy of up to five HWG inspection reports, selected by DTSC, in which at least one HWG violation is cited and contains observations, factual basis, and corrective actions for each violation cited.

DTSC requests RTC documentation for the following HWG facilities:

- CERS ID 10613107: Inspection dated November 19, 2020
- CERS ID 10746262: Inspection dated November 12, 2020
- CERS ID 10443427: Inspection dated October 5, 2020
- CERS ID 10742083: Inspection dated September 22, 2020
- CERS ID 10470193: Inspection dated May 13, 2020

6. DEFICIENCY:

The Inspection and Enforcement (I&E) Plan has inaccurate or incomplete information or is missing required components.

- The following components are inaccurate or incomplete:
 - Page 6: Inspection frequencies for the permit by rule (PBR), conditionally authorized (CA), and conditionally exempt (CE) HWG facilities need to be updated to include an “initial inspection within two years of notification and every three years thereafter”.
 - Page 2 states: “CE sites are not inspected on a routine basis.” CE sites are required to have an initial inspection within two years of notification and every three years thereafter.
 - Hazardous waste penalty amounts listed are incorrect. Please refer to the following website to correct the penalty amounts:
[https://govt.westlaw.com/calregs/Document/I6E61B9CC611B4E74B0C852041AAADBE5?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I6E61B9CC611B4E74B0C852041AAADBE5?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))
 - Page 3: The Applicability section for APSA states, “This program oversees tank facilities which have aboveground storage tanks that contain petroleum and have an aggregate volume of more than 1,320 gallons.” This statement is incorrect and does not reflect the current statute. APSA currently regulates (1) tank facilities that are subject to the Federal SPCC rule; (2) tank facilities that have a storage capacity of

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

1,320 gallons or more of petroleum; and (3) tank facilities with one or more tanks in underground areas, regardless of the tank facility's storage capacity.

- Page 6: In the Inspection Frequency table, the CUPA identifies the mandated inspection frequency and the APSA inspection frequency as “tri-annually” with a reference to HSC, Section 25270. If the CUPA does not have the resources to inspect each APSA tank facility three times a year (tri-annually), a practical inspection frequency could be once every three years (triennially). A more appropriate citation would be HSC, Section 25270.5(a), which requires storage tanks to be inspected at each APSA tank facility with a storage capacity of 10,000 gallons or more of petroleum at least once every three years (triennially), and HSC, Section 25270.5(b), which allows the CUPA to develop an alternative schedule for inspecting all APSA tank facilities, including facilities with less than 10,000 gallons of petroleum.
- Page 26: The “Program Specific Enforcement Authorities” section references HSC, Section 25270.12 and HSC, Section 25404.1.1. Additional citations should include HSC, Chapter 6.67, Sections 25270.12.1 and 25270.12.5.
- Page 26: The following statements are outdated, “Facilities that have the storage capacity of at least 1,320 gallons and less than 10,000 gallons of petroleum are only subject to the SPCC requirements. Facilities with a storage capacity of 10,000 gallons or more are subject to both the SPCC and inspection requirements.” These statements do not reflect the current statute. With the exception to certain tank facilities that meet the conditions described in HSC 25270.4.5(b), all other tank facilities are required to prepare and implement an SPCC Plan under APSA. In addition, Unified Program Agencies are required to inspect certain tank facilities with a storage capacity of 10,000 gallons or more of petroleum for compliance with the SPCC Plan requirements of APSA.
- Page 31: Training for APSA inspectors describes the aboveground storage tank training program and examination developed by the Secretary for Environmental Protection. The current APSA statute no longer references the CalEPA Secretary for the APSA training program. The APSA training, which includes an exam, is now managed and administered by OSFM.
- Page 39: The Initial Penalty Matrix section for APSA references HSC, Section 25270.5 for APSA violations. A more appropriate citation is HSC, Chapter 6.67, commencing with Section 25270.
- The following components are missing:
 - Page 3: The “forms and plans that are required to be uploaded” section is missing the APSA tank facility statement. APSA tank facility statements are required to be submitted to CERS per HSC §25270.6, unless an owner or operator of a tank facility submits a complete HMBP.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

CITATION:

CCR, Title 27, Section 15200(a)
[DTSC, OSFM]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will review, revise, and provide CalEPA with a copy of the I&E Plan that addresses the inaccurate, incomplete and missing components identified above.

7. DEFICIENCY:

The CUPA is not properly reviewing, processing, and authorizing each annual Onsite Hazardous Waste Treatment Notification for Permit by Rule (PBR) facilities with a Fixed Treatment Unit (FTU) within 45 calendar days of receiving it.

During the 45-day review process the CUPA must:

- Authorize operation of the FTU; or,
- Deny authorization of the FTU in accordance with Permit-by-Rule laws and regulations; or,
- Notify the owner/operator that the notification submittal is inaccurate or incomplete.

CERS data indicates that several PBR Onsite Hazardous Waste Treatment Notifications were not reviewed, processed or authorized by the CUPA within 45 days of receipt. Examples include:

- CERS ID: 10420846: notifications submitted February 14, 2018, and processed June 1, 2018
- CERS ID: 10420846: notification submitted April 14, 2015, and processed on June 18, 2015
- CERS ID: 10470757: notification submitted February 14, 2018, and processed on May 16, 2018
- CERS ID: 10470757: notification submitted April 14, 2015 and processed on June 18, 2015

Also, the CUPA is not always conducting accurate and complete reviews of the Permit-ByRule (PBR) annual notification submittals that were processed. The following is an example:

- CERS ID 10132924: notification submitted February 14, 2018, shows cyanide and chrome treatment listed as one PBR. Cyanide and chrome treatment must be permitted as separate units. Empty container rinsing must also be a separate unit. The facility continues to submit inaccurate information regarding tiered permitting units and the CUPA continues to accept them.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

The following facilities did not submit a yearly Onsite Hazardous Waste Treatment Notification:

- CERS ID 10470757: no notification in 2016
- CERS ID 10420846: no notification in 2016
- CERS ID 10132924: no notification in 2017

CITATION:

CCR, Title 22, Sections 67450.2(b)(4) and 67450.3(c)(1)
[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan that states how the CUPA will ensure that Onsite Hazardous Waste Treatment Notifications are reviewed, processed and authorized within 45 days.

By the 2nd Progress Report, the CUPA will provide inspectors with TP training regarding how to review, process, and authorize Onsite Hazardous Waste Treatment Notifications. The CUPA will provide CalEPA with training documentation, including but not be limited to an outline of the training conducted and a list of CUPA personnel attending the training.

By the 2nd Progress Report, the CUPA will review each Onsite Hazardous Waste Treatment Notification to ensure that annual notification submittals are completely and accurately reviewed and represent the actual waste treatment systems used at that facility.

8. DEFICIENCY:

The Fee Accountability Program is not being annually reviewed or updated as necessary.

The Fee Accountability Program reflects a review and revision date of 2003.

CITATION:

CCR, Title 27, Section 15220(a)(2)
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide CalEPA with a plan for ensuring the Fee Accountability program is reviewed annually and revised as necessary.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

DEFICIENCIES REQUIRING CORRECTION

By the 2nd Progress Report, the CUPA will assess the Fee Accountability program to ensure current fees fund the necessary and reasonable costs necessary to implement the Unified Program. The CUPA will provide CalEPA with a copy of the fee accountability program assessment, as well as, the revised single fee schedule, if it were adjusted.

9. DEFICIENCY:

The CUPA is not submitting quarterly Surcharge Transmittal Reports to CalEPA within 30 days after the end of each fiscal quarter.

The following quarterly Surcharge Transmittal Reports were not received by the required due date:

- FY 2014/2015
 - One report was received, dated September 30, 2015
- FY 2015/2016
 - No reports received
- FY 2016/2017
 - One report was received, dated November 20, 2017

CITATION:

CCR, Title 27, Section 15250(b)(1)
[CalEPA]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will have submitted to CalEPA the 1st and 2nd quarterly Surcharge Transmittal Reports for FY 2020/2021 by the required due date. Thereafter, the CUPA will submit each quarterly Surcharge Transmittal Reports to CalEPA no later than 30 days after the end of each fiscal quarter.

10. DEFICIENCY:

The CUPA is not ensuring all regulated businesses subject to the Hazardous Material Business Plan (HMBP) Program reporting requirements annually submit a complete HMBP or a no-change certification to CERS. A complete HMBP includes a chemical inventory, site map, and emergency response and employee training plans.

Review of HMBPs submitted to CERS by regulated businesses indicates:

- Approximately 20% of HMBP Program facilities did not submit a complete HMBP or no-change certification within the last 12 months.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

- 107 of 610 (18%) of HMBP facilities in CERS have not submitted a chemical inventory within the last 12 months.
- 122 of 610 (20%) of HMBP facilities in CERS have not submitted emergency response and/or employee training plans or no-change certification within the last 12 months.

CITATION:

HSC, Chapter 6.95, Sections 25505, 25508(a) and 25508.2

[Cal OES]

CORRECTIVE ACTION:

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will develop and provide CalEPA with a list of all regulated businesses that have not annually submitted a complete hazardous materials business plan or a no-change certification and the status of business compliance. The CUPA will follow-up with each regulated business identified on the list to ensure the facility submits a complete HMBP or no-change certification, or will initiate appropriate enforcement actions.

By the 3rd Progress Report, the CUPA will have each regulated business plan facility update the current HMBP information and maintain current information at least once every year.

11. DEFICIENCY:

The CUPA is not certifying to Cal OES every three years that it has conducted a complete review of the Area Plan and made any necessary revisions.

- The Area Plan date is 2003, which also includes a 2014 letter of certification that the Area Plan was reviewed by the CUPA. The 2014 letter does not suffice for meeting the requirement to review, and update as necessary, the Area Plan every three years.

CITATION:

HSC, Chapter 6.95, Section 25503(d)(2)

CCR, Title 19, Section 2640

[Cal OES]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will ensure the area plan has all the required elements.

By the 3rd Progress Report, the CUPA will provide CalEPA with a copy of the reviewed, and revised as necessary, area plan.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

12. DEFICIENCY:

The CUPA is not properly classifying HWG violations.

Review of facility files and CERS CME information indicates the CUPA is classifying Class I or Class II HWG Program violations as minor violations in the following instances:

- Violation for exceedance of authorized accumulation time incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. 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).
 - CERS ID 10408063: Inspection dated August 14, 2018
 - CERS ID 10417078: Inspection dated May 15, 2017
 - CERS ID 10644910: Inspection dated August 27, 2018
 - CERS ID 10645297: Inspection dated November 2, 2017
 - CERS ID 10165957: Inspection dated August 7, 2018

- Violation for failure to provide or conduct training for employees incorrectly cited as a minor violation. Since training was not provided, employees are not familiar with hazardous waste issues and handling nor how to respond to emergencies. There may have been an economic benefit to the facility by not providing training. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - CERS ID 10475707: Inspection dated July 12, 2018
 - CERS ID 10449391: Inspection dated July 18, 2018
 - CERS ID 10471969: Inspection dated October 3, 2016
 - CERS ID 10471966: Inspection dated October 3, 2016
 - CERS ID 10459309: Inspection dated October 3, 2016
 - CERS ID 10459117: Inspection dated October 3, 2016

- Violation for failure to obtain and maintain a written assessment reviewed and certified by an independent, qualified, professional engineer prior to placing a tank system in service. There is an economic benefit to the facility by not obtaining a tank assessment. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - CERS ID 10407571: Inspection dated July 9, 2018
 - CERS ID 10475707: Inspection dated April 25, 2018
 - CERS ID 10475743: Inspections dated May 11, 2018, and August 27, 2015

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5, 25117.6
CCR, Title 22, Sections, 66260.10, 66262.34
[DTSC]

CORRECTIVE ACTION:

Beginning immediately, inspectors will ensure violations are correctly classified and appropriate enforcement actions are pursued for non-minor (Class I and Class II) violations.

By the 1st Progress Report, the CUPA will train personnel on the classification of minor, Class I, and Class II violations, as defined in:

- HSC, Chapter 6.5, Sections 25110.8.5, and 25117.6
- HSC Chapter 6.11, Section 25404(a)(3)
- CCR, Title 22, Section 66260.10
- U.S. Environmental Protection Agency Civil Penalty Policy, Section 311(b)(3) and Section 311(j) of the Clean Water Act, Section 311(j)
<https://19january2017snapshot.epa.gov/enforcement/civil-penalty-policy-section=311b3-and-section-311j-clean-water-act-cwa-august-1998.html>.

By the 1st Progress Report, the CUPA will train personnel on how to properly classify Program violations during inspections and ensure personnel review the following as part of the training:

Violation Classification:

- [Violation Classification Training Video 2014](https://www.youtube.com/watch?v=RB-5V6RfPH8)
(<https://www.youtube.com/watch?v=RB-5V6RfPH8>)
- [Violation Classification Guidance](https://calepa.ca.gov/wp-content/uploads/sites/62/2016/10/CUPA-Documents-Inspection-ViolationGuide.pdf)
(<https://calepa.ca.gov/wp-content/uploads/sites/62/2016/10/CUPA-Documents-Inspection-ViolationGuide.pdf>)
- How to properly cite violations for each program element during routine compliance inspections.

The CUPA will provide CalEPA with training documentation, which at minimum will include, an outline of the training conducted and a list of CUPA personnel attending the training.

By the 2nd Progress Report, the CUPA will provide CalEPA with a copy of up to three, inspection reports, as requested by DTSC, for facilities that were inspected in the last three months and cited with properly classified HWG violations.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

13. DEFICIENCY:

The CUPA is not inspecting all UST Program facilities annually.

The CUPA is not inspecting all APSA Program facilities at least once every three years, in accordance with the inspection frequency in the I&E Plan.

The CUPA is not inspecting all HWG Program facilities at least once every three years, in accordance with the inspection frequency in the I&E Plan for the HWG Program.

The CUPA is not inspecting all TP Program facilities within the first two years of operations and every three years thereafter.

The CUPA is not inspecting all HMBP Program facilities at least once every three years, in accordance with the inspection frequency in the I&E Plan.

Review of CERS CME inspection data finds the following:

- FY 2016/2017
 - CERS CME: 12 of 61 (20%) facilities did not have a routine inspection within 12 months.
- FY 2015/2016
 - CERS CME: 16 of 62 (26%) facilities did not have a routine inspection within 12 months.
- FY 2014/2015
 - CERS CME: 12 of 61 (20%) facilities did not have a routine inspection within 12 months.

Review of CERS CME inspection data for APSA Program facilities finds the following:

- 8 of 35 (23%) APSA tank facilities have not been inspected within the last three years.

Note: The CUPA has one APSA tank facility with 10,000 gallons or more of petroleum that has been inspected within the last three years.

Review of CERS CME inspection data for HWG Program facilities finds the following:

- 303 of 429 (70%) HWG facilities have not been inspected within the the last three FYs (2015/2016, 2016/2017, and 2017/2018).

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

Review of CERS CME inspection data and facility file information for TP Program facilities finds the following:

- CERS ID 10420846: More than four years lapsed between inspections (inspections dated March 13, 2013 and July 10, 2017)
- CERS ID 10470757: Inspections dated March 13, 2013, and July 112017.
- CERS ID 10488796: has never been inspected.

Review of CERS CME inspection data for HMBP Program facilities finds the following: 383 of 599 (63%) HBMP facilities have not been inspected within the last three years.

Note: As this deficiency is based on CERS CME data, the actual number of inspections may differ from what is noted.

CITATION:

HSC, Chapter 6.5, Section 25201.4(b)(2)

HSC, Chapter 6.67, Section 25270.5(a) and (b)

HSC, Chapter 6.7, Section 25288(a)

HSC, Chapter 6.95, Section 25511(b)

CCR, Title 23, Section 2712(e)

CCR, Title 27, Section 15200(a)(3)

[CalEPA, Cal OES, DTSC, OSFM, State Water Board]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each facility regulated under the UST Program, APSA Program, HWG Program, TP Program, and HMBP Program is inspected within the required timeframe. The plan will include at minimum:

- A sortable inspection tracking spreadsheet exported from the CUPA's data management system (or CERS), of each facility regulated under the UST Program, APSA Program, HWG Program, TP Program, and HMBP Program that has not been inspected within the required timeframe. At minimum, for each facility, the spreadsheet will include the facility name, facility address, CERS ID number, Facility ID number (if applicable), and date of the last routine inspection;
- A proposed schedule to inspect those facilities by prioritizing the most delinquent inspections to be completed prior to any other inspection; and
- Future steps to ensure that all regulated facilities will be inspected within the required timeframe.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

By the 2nd Progress Report, and with each subsequent Progress Report, the CUPA will provide CalEPA with an updated version of the inspection tracking spreadsheet to show inspections that have occurred during the previous three months.

By the 4th Progress Report, the CUPA will have inspected each facility regulated under the UST Program, APSA Program, HWG Program, TP Program, and HMBP Program within the required timeframe. For UST Program facilities, the CUPA will complete Report 6 for two consecutive reporting periods, demonstrating the inspections conducted annually at UST facilities.

14. DEFICIENCY:

The CUPA is not conducting complete HWG inspections.

On September 26, 2018, DTSC observed the CUPA conduct a HWG inspection at CERS ID 10470757, a LQG facility that has a PBR for the treatment of hazardous waste. Though the inspector prepared for the inspection by reviewing previous inspection reports as well as CERS, the inspector did not have access to the Hazardous Waste Tracking System (HWTS), and used a LQG inspection checklist rather than a PBR inspection checklist.

Upon arriving at the facility, the inspector reviewed hazardous waste manifests from the past three years. The inspector then conducted a walkthrough of the facility and noted several violations during the inspection; however, the inspector did not:

- ensure the closure cost estimate was accurate and had been adjusted for inflation by March 1st;
- request training records, nor verify training materials were adequate;
- ensure that the facility's required communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, were tested and maintained as necessary, to assure proper operation in time of emergency,
- ensure that the facility's contingency plan is maintained at the facility as well as up to date;
- request and review a Waste Analysis Plan;
- ensure that documents for operating the FTU were maintained;
- document a violation for the facility maintaining and operating in a manner to minimize a release of hazardous waste;
- document violations for unlabeled containers of hazardous waste;
- observe or document violations for several cathode ray tubes (CRTs) and light tubes that were waste;
- document a violation regarding illegal storage of hazardous waste relating to the improper management of the facilities wet floors;
- inquire about the facilities processes;

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

- request to review certain required documentation;
- conduct a process based inspection

CITATION:

CCR, Title 22, Section 66262.34, 66265.32, 66265.31, 66260.10, 66265.191, 66265.192, 66265.193, 66265.194, 67450.3

[DTSC]

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will provide HWG and TP inspection training to all CUPA personnel which conduct HWG and TP inspections. The training will incorporate at minimum, review of the following hazardous waste fact sheets and training videos:

- Generator Requirements Fact Sheet
<https://dtsc.ca.gov/hazardous-waste-generator-requirements-fact-sheet/>
- Process Based Inspection
<https://www.epa.gov/sites/production/files/documents/process-basedguide.pdf>
- Tiered Permitting Inspector Training (1 of 2)
<https://www.youtube.com/watch?v=f235NwyuVOY&feature=youtu.be>
- Tiered Permitting Inspector Training (2 of 2)
<https://www.youtube.com/watch?v=8pBQioflvwk>
- DTSC Hazardous Waste Classification Training
http://ccelearn.csus.edu/wasteclass/intro/intro_01.html
- Advanced Hazardous Waste Inspector Training Video 2012: Tanks and Sumps (5 of 7)
<https://www.youtube.com/watch?v=oCrI3MvTd8M>

Note: Hyperlinks to the above documents were provided to the CUPA in November 2019. Some of the hyperlinks have since changed. The current hyperlinks are reflected above.

Additionally:

- The CUPA will contact DTSC and schedule a training for the Hazardous Waste Tracking System
- The CUPA shall contact DTSC, and DTSC will provide the CUPA with the following documents which the CUPA will review:
 - Requirements for Hazardous Waste Tank Systems
 - Waste Analysis Plan
 - Model Tank Assessment
 - Hazardous Waste Tank System Assessment Certification Requirements
 - Contingency Plan

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING CORRECTION

- Inspection Schedules and Logs
- Operating Logs
- Personnel Training

The CUPA will provide to CalEPA a narrative document stating that all CUPA staff have viewed all of the training material and will include the name of each inspector, a signature from each inspector, and the date the training was completed.

By the 2nd Progress Report, the CUPA will coordinate with another CUPA (such as Los Angeles County CUPA or Santa Fe Springs CUPA), to ensure Glendale CUPA inspectors that are or will be conducting RCRA LQG or TP inspections shadow, at minimum, four RCRA LQG or TP inspections conducted in the jurisdiction of the other CUPA, by other CUPA inspectors. At least one of the shadowed inspections will occur at a RCRA LQG facility, and at least one of the shadowed inspections will occur at a PBR facility. The CUPA will provide CalEPA with a summary of the shadowed inspections, which will include, at minimum, the name of the CUPA that conducted the inspection, the name of the inspector from the CUPA, the name of the facility inspected, the date the inspection was conducted, and the name of the Glendale CUPA inspector that assisted with and observed the inspection.

By the 2nd Progress Report, the CUPA will provide CalEPA with a copy of a HWG inspection report for an inspection conducted during the previous three months for up to three HWG facilities as requested by DTSC. Each inspection report must cite at least one hazardous waste violations and any associated RTC documentation must also be provided. In the absence of RTC documentation, the CUPA will provide CalEPA with a narrative of the informal or formal graduated series of enforcement applied to ensure facilities cited with violations return to compliance.

DTSC requests the inspection report for the following HWG facility:

- CERS ID 10420846: Inspection dated February 11, 2020. This inspection cites HWG, LQG and Permit-by-Rule violations.

By the 3rd Progress Report, DTSC will coordinate with the CUPA to conduct oversight inspections with inspectors at RCRA LQG and/or TP facilities.

Note: Due to the egregious conditions and lack of compliance at the facility listed above, the facility was referred to U.S. EPA for inspection. U.S. EPA conducted an inspection with a CUPA representative on August 6, 2019 and identified several violations. U.S. EPA initiated an enforcement action. A Consent Agreement and Final Order was reached with the facility. A civil penalty in the amount of \$49,706 was assessed. DTSC also filed a complaint with CalOSHA regarding the conditions at this facility and DTSC anticipates that CalOSHA will be following up with an inspection at this facility.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

Incidental findings identify specific incidents or activities regarding implementation of the Unified Program. Though incidental findings do not rise to the level of program deficiencies or inadequate implementation of the Unified Program, the CUPA must complete the resolution(s) indicated as required by regulation or statute.

1. INCIDENTAL FINDING:

The CUPA is not ensuring hazardous waste generator facilities have unique hazardous waste ID numbers. The following facilities are using the same hazardous waste ID numbers and are not located on contiguous property:

Facilities using hazardous waste ID CAL000287733:

- CERS ID 10406875
- CERS ID 10410325
- CERS ID 10410121
- CERS ID 10469668
- CERS ID 10410436 and 10411960 can have the same hazardous waste ID number

Facilities using hazardous waste ID CAD982476251:

- CERS ID 10133947
- CERS ID 10133950

Facilities using hazardous waste ID CAL000375101:

- CERS ID 10644460
- CERS ID 10500796

Facilities using hazardous waste ID CAL000416222:

- CERS ID 10751818
- CERS ID 10667947

CITATION:

CCR, Title 22, Section 66262.12
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide a narrative describing how the CUPA will ensure each hazardous waste generator facility listed above obtains a unique hazardous waste ID number.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

2. INCIDENTAL FINDING:

In some instances, the CUPA is not properly citing HWG violations. Examples include:

- CERS ID 10420846: Inspection dated July 11, 2017, the inspector noted secondary containment needed to be cleaned out, however, did not cite the facility for this violation.
- CERS ID 10133947: Inspection dated June 20, 2018, the inspector noted the outside of containers needed to be properly labeled, however, did not cite it as a violation.
- CERS ID 10489855: Inspection dated July 12, 2018, the inspector cited a violation for a container needing secondary containment, however, there is no secondary containment requirement for generator containers and a violation should not have been cited.
- CERSID 10140911: Inspection dated July 7, 2018, the inspector cited a violation for the generator not having container inspection logs, however, container inspection logs are not required, and a violation should not have been cited.

CITATION:

CCR, Title 22, Sections 66262.34(f) and 66265.193
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will prepare and conduct a training to review generator requirements, which will incorporate at minimum the following hazardous waste training videos:

- Hazardous Waste 101 (Part 1 of 2)
<https://www.youtube.com/watch?v=e2NCMulhMN0&feature=youtu.be>
- Hazardous Waste 101 (Part 2 of 2)
<https://www.youtube.com/watch?v=AlAjZrStbvc>
- Advanced Hazardous Waste Inspector Training (Part 1 of 2)
<https://www.youtube.com/watch?v=lg3TJftSUM&feature=youtu.be>
- Advanced Hazardous Waste Inspector Training (Part 2 of 2)
<https://www.youtube.com/watch?v=me8FKg0-qaA>

The CUPA will provide CalEPA with training documentation, which includes at minimum, an outline of the training conducted and a list of CUPA personnel attending the training.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

3. INCIDENTAL FINDING:

The CUPA is not consistently classifying Aboveground Petroleum Storage Act (APSA) violations properly.

Not having a Spill Prevention, Control, and Countermeasure (SPCC) Plan (CERS violation #4010001) was cited as a minor violation on multiple occasions. Not having an SPCC Plan is not considered a minor violation as defined in California Health and Safety Code , Section 25404(a)(3). Based on the definition of a “minor violation,” a minor violation does not include the following: (1) a violation that presents a significant threat to human health or the environment; or (2) a violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.”

Review of facility files and the California Environmental Reporting System (CERS) violation data finds the following instances when CERS violation #4010001 was classified as minor:

- Fiscal Year (FY) 2017/2018: 1 of 2 (50%)
- FY 2015/2016: 1 of 2 (50%).
 - 1 of 2 (50%) facilities cited for not having an SPCC Plan as a minor violation has returned to compliance.

Note: The statistics above are generated from the CERS CME report and are current as of November 23, 2020.

CITATION:

Health and Safety Code (HSC), Chapter 6.67, Sections 25270.4.1(c), 25270.12, 25270.12.1, and 25270.12.5 Chapter 6.11, Sections 25404(a)(3), 25404.2(a)(3) and (4)
California Code of Regulations (CCR), Title 27, Section 15200(a) and (e)
[OSFM]

RESOLUTION:

By the 1st Progress Report, the CUPA will train personnel on the classification of minor, Class I, and Class II violations, as defined in HSC, Chapter 6.11, Section 25404(a)(3), and how to properly classify APSA violations during compliance inspections. The CUPA will provide CalEPA with training documentation, including but not be limited to an outline of the training conducted and a list of CUPA personnel attending the training.

By the 1st Progress Report, the CUPA will train personnel on how to properly classify APSA Program violations during inspections.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

INCIDENTAL FINDINGS REQUIRING RESOLUTION

Note: CUPA inspectors can review training classes regarding properly classifying violations available in the video library on the CalCUPA website at: <http://www.calcupa.org/videos.html> or request additional assistance from OSFM.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

OBSERVATIONS AND RECOMMENDATIONS

Observations and recommendations identify areas of Unified Program implementation that could be improved and provide suggestions for improvement. Though the CUPA is not required by regulation or statute to apply the recommendations provided, the CUPA would benefit in applying the recommendations provided to improve the overall implementation of the Unified Program.

1. OBSERVATION:

The CUPA's Area Plan contains inaccurate APSA and fire code information:

- Page 2 references HSC §25270.5(c) for the APSA program. The appropriate citation is HSC Chapter 6.67, commencing with Section 25270.
- Pages 20, 24, 27, 69 and 159 reference the Uniform Fire Code, which is outdated. The California Fire Code is the current fire code adopted by the state.
- Page 21, the CUPA describes requirements to complete an SPCC Plan for facilities with a capacity of 1,360 gallons or more of petroleum based products. The accurate minimum capacity for a facility is 1,320 gallons; however, if a facility has one or more tanks in an underground area, regardless of the facility's storage capacity, then the facility is also required to prepare and implement an SPCC Plan.
- Page 21, the following is outdated, "The role of the Glendale Fire Department...is to determine that subject businesses/facilities complete a SPCC [Plan] and have it available on-site if they exceed the above quantities. Businesses/facilities who are not in compliance with SPCC requirements will be referred to the Regional Water Quality Control Board...The Glendale Fire Department is not required to...review the Plan for compliance or adequate implementation. Currently, the USEPA retains sole regulatory enforcement over this federally mandated program...SPCC-specific inspections are not routinely performed." All Unified Program Agencies were required by state law to fully implement and enforce the APSA program as of January 2008; the State Water Board and Regional Water Boards retained authority to oversee or cause cleanup or abatement efforts of a release from a tank at a facility.
- Page 116, HSC §25270.7 is referenced, however, the section no longer exists.

RECOMMENDATION:

Update the Area Plan to reflect the correct information.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

2. OBSERVATION:

The CUPA's website contains inaccurate or outdated APSA information:

- The statement, "Aboveground Storage Tanks (AST) are regulated by the California Health and Safety Code Section 25270.5," is inaccurate. The appropriate citation should be HSC Chapter 6.67, commencing with Section 25270.
- The statement, "The [SPCC] plan is certified by a Registered Professional Engineer....," is inaccurate. An owner or operator can certify their SPCC Plan if their facility meets the qualified facility criteria.
- The following statement is outdated, "A facility is required to complete and maintain an SPCC plan if the aboveground storage capacity of the facility is 1,320 gallons or more of petroleum product." Tank facilities subject to the Federal SPCC rule, or tank facilities with one or more tanks in underground areas, regardless of the tank facility's total storage capacity, are also subject to APSA.

RECOMMENDATION:

Update the website to reflect the correct information.

3. OBSERVATION:

Review of CERS finds that there are one, or more, USTs or UST systems in the CUPA's jurisdiction which may need to be permanently closed in accordance with HSC, Chapter 6.7, Section 25292.05 by December 31, 2025.

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:

- CERS ID 10129534
- CERS ID 10195642
- CERS ID 10470190
- CERS ID 10166761

Note: Examples provided are only a partial view, and may not reflect all UST systems, which may need to be permanently closed in accordance with HSC, Chapter 6.7, Section 25292.05 by December 31, 2025.

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Continue to provide verbal reminders to UST facility owners/operators and consider providing written notification of the requirements for permanent closure of single-walled USTs no later than December 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/.

The facility owner/operator should be notified that Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program grants and loans 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

4. OBSERVATION:

Review of CERS CME finds the CUPA is 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. Following are examples:

- CERS ID 10397344
 - FY 2015/2016 three inspections were classified as routine and completed within two months
- CERS ID 10414111
 - FY 2016/2017 four inspections were classified as routine inspections and completed within three months
- CERS ID 10410325
 - FY 2016/2017 three inspections were classified as routine inspections and completed within six months
- CERS ID 10129534
 - FY 2015/2016 three inspections were classified as routine and completed within three months

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Classify annual compliance inspections as “Routine” and classify inspections such as verification inspections, complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations as “Other.” Multi-day inspections are reported in CERS as one inspection regardless of the number of days needed to complete an inspection. Refer to CERS FAQ, “How to Report Multi-Day Inspections in CERS.”

5. OBSERVATION:

Review of inspection data reported in CERS CME, Self-Audit Reports, and Semi-Annual Significant Operational Compliance Report (Report 6), finds discrepancies in the number of routine inspections reported. Following are examples:

- FY 2016/2017
 - CERS CME shows 51 inspections
 - Self-Audit Report shows 61 inspections
 - Report 6 shows 60 inspections
- FY 2015/2016
 - CERS CME shows 60 inspections
 - Self-Audit Report shows 61 inspections
 - Report 6 shows 64 inspections
- FY 2014/2015
 - CERS CME shows 61 inspections
 - Self-Audit Report shows 61 inspections
 - Report 6 shows 61 inspections

RECOMMENDATION:

Review and identify any challenges in the process of collecting and reporting inspections. Address the identified challenges to ensure inspections reported do not differ across the reporting formats.

6. OBSERVATION:

Review of CERS CME finds some instances where the CUPA did not consistently or correctly report UST violations in CERS.

The CUPA is using a “General” or “General-Local Ordinance” CERS violation type number to report UST violations when a specific CERS violation type number is available for the UST violation. Examples of the use of “General” or “General-Local Ordinance” CERS violation type number include the following:

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT

OBSERVATIONS AND RECOMMENDATIONS

- CERS ID 10133791
 - Violation issued April 6, 2017, for sensor placement. CERS violation type number 2010 was used. A more appropriate CERS violation type number is either 2060015, “Failure of leak detection equipment to be located such that...” or 2030062, “Leak detection equipment disabled or tampered with in a manner that would prevent ...”
- CERS ID 10166763
 - Violation issued February 26, 2014, for non-operational sensor. CERS violation type number 2010 was used. A more appropriate CERS violation type number is 2030003, “Failure of the leak detection equipment to have an audible and visual alarm as required.”
- CERS IDs 10501135, 10133791, 10410325, and 10485307
 - Violations issued for “UST Program - Administration/Documentation - For use of Local Ordinance only” without explanation or citation of the basis for the violation or regulatory requirement.

RECOMMENDATION:

Identify and cite the correct CERS violation type number when available in the CERS Violation Library. If a “General” or “General Local Ordinance” CERS violation type number is used, the CUPA will include the regulatory authority and local ordinance requirements in the violation comments.

7. OBSERVATION:

Review of the I&E Plan finds reference to a CERS submittal status of “Not Applicable,” which has been used in some CERS UST submittals when a UST facility owner/operator made a submittal with a tank closure date. In those instances, the tank closure date was never accepted in CERS and continued to appear to be active.

RECOMMENDATION:

Use a status of “Not Accepted” relative to CERS UST submittals with caution. If a submittal is made to correct or include new information, it may be preferable for the CUPA to use the “Accept” submittal status, and provide a note to the owner/operator indicating any other necessary changes, such as setting the UST submittal element reporting requirement to “Not Applicable.”

If the “Not Applicable” status is used to identify a UST being transferred from a UST reporting element to an AST reporting element, continue to include a comment indicating the reason for the “Not Applicable” submittal status. For example, CERS ID 10615354 made a UST submittal to CERS on August 3, 2017. The CUPA set the status to “Not Applicable” and provided the comment “please note this tank is no longer regulated as a UST.”

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

OBSERVATIONS AND RECOMMENDATIONS

8. OBSERVATION:

On September 27, 2018, DTSC observed the CUPA conduct a HWG inspection at CERS ID 10174247, a non-RCRA LQG. The CUPA inspector prepared for the inspection by reviewing CERS, but did not have access to HWTS. The inspector established rapport with the facility operators and toured the entire site. The inspector requested and reviewed hazardous waste manifests and other required documentation. The inspector documented all observed violations. Some documented violations were not properly classified, such as illegal disposal of waste to the ground is a Class I violation, failure to have proper emergency equipment is not a minor violation, and mixing incompatible wastes is not a minor violation. Upon conclusion of the inspection, DTSC suggested the inspector review hazardous waste regulatory requirements regarding tank assessments as some elements in the tank assessment provided by the facility were incomplete.

RECOMMENDATION:

Review all requirements for a complete tank assessment, including the following documents:

- Model Tank Assessment (County of San Diego)
[https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/hm-932%20\(10-02\).pdf](https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/pdf/hm-932%20(10-02).pdf)
- Requirements for Hazardous Waste Tank Systems (CalCUPA Forum Board)
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