

**CERTIFIED UNIFIED PROGRAM AGENCY**  
**Evaluation Progress Report #5**

**CUPA: Butte County Division of Environmental Health**

**Evaluation Period: March 2021 to June 2021**

**Evaluation Team Members:**

- **CalEPA Team Lead:** Timothy Brandt
- **DTSC:** Matthew McCarron
- **CalEPA\*:** Jack Harrah, Garrett Chan
- **State Water Board:** Sean Farrow, Wesley Franks, Jessica Botsford
- **CAL FIRE-OSFM:** Glenn Warner

**Evaluation Progress Report #5 Due to CalEPA:** August 25, 2023

**Deficiencies Pending Correction:** #'s 1, 2, 4, 10, 13, 14, 19

**Incidental Findings Pending Resolution:** N/A – All Resolved

**Evaluation Progress Report #6 Due to CalEPA:** April 5, 2024

**Deficiencies Pending Correction:** #'s 4, 10, 13, & 19

**Incidental Findings Pending Resolution:** N/A – All Resolved

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

**Tim Brandt**  
CalEPA Unified Program  
Phone: (916) 323-2204  
E-mail: [timothy.brandt@calepa.ca.gov](mailto:timothy.brandt@calepa.ca.gov)

The CUPA is required to submit an Evaluation Progress Report 60 days from the receipt of the Final Summary of Findings Report, and every 90 days thereafter, until all deficiencies and incidental findings identified have been acknowledged as corrected or resolved.

Each Evaluation Progress Report must include a narrative stating the status of progress towards the correction of each deficiency and resolution of each incidental findings identified in the Final Summary of Findings Report. Evaluation Progress Reports will continue to be submitted until all deficiencies and incidental findings have been acknowledged as corrected and resolved by each issuing state agency.

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead via mail or E-mail.

\*Effective July 1, 2021, oversight of the Hazardous Materials Release Response Plans and Inventory and the California Accidental Release Prevention Program transitioned from Cal OES to CalEPA.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**1. DEFICIENCY: CORRECTED**

The CUPA is not consistently inspecting all Underground Storage Tank (UST) facilities at least once every 12 months.

Review of the Semi-Annual Report (Report 6) data for each Fiscal Years (FYs) finds the following UST facilities were not inspected:

- FY 2018/2019
  - 24 of 99 (24%)
- FY 2019/2020
  - 17 of 99 (17%)

**CITATION:**

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

**CORRECTIVE ACTION: COMPLETED**

By the 1<sup>st</sup> Progress Report, the CUPA will revise the Inspection and Enforcement (I&E) Plan to incorporate steps to ensure UST inspection staff inspect all UST facilities at least once every 12 months. The CUPA will provide the revised I&E Plan to CalEPA.

By the 1<sup>st</sup> Progress Report, the CUPA will develop and provide CalEPA with an action plan to ensure each UST is inspected at least once every 12 months. The action plan will include, at a minimum:

- An analysis and explanation as to why the annual compliance inspection requirement for the UST program is not being met. Factors to consider include existing inspection staff resources and how many UST inspections or UST facility inspections each inspector is scheduled to conduct each year.
- A spreadsheet exported from the California Environmental Reporting System (CERS), identifying each UST facility that has not been inspected within the last 12 months. For each UST facility listed, the spreadsheet will include, at a minimum:
  - Facility name,
  - CERS ID, and
  - Date of the last UST compliance inspection.
- A schedule to inspect each identified UST facility, prioritizing the most delinquent UST compliance inspections with those facilities having single-walled UST components and proximity to drinking water wells.

By the 2<sup>nd</sup> Progress Report, the CUPA will, if necessary, revise the action plan and amend the revised I&E Plan, based on feedback from the State Water Board. The CUPA will provide the revised action plan and amended I&E Plan to CalEPA. If no revisions to the action plan or amendments to the I&E Plan are necessary, until considered corrected, the CUPA will provide CalEPA with UST compliance inspection reports until all UST facilities have been inspected within the last 12 months.

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet to demonstrate the number of UST inspections that have been conducted during the previous three months.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

By the 3<sup>rd</sup> Progress Report and with each subsequent Progress Report, until considered corrected, the CUPA will provide CalEPA with UST compliance inspection reports until all UST facilities have been inspected within the last 12 months.

**CUPA Update 1:** During fiscal years 2018/2019 and 2019/2020 the CUPA was deficient with inspecting all of the UST facilities primarily due to wildfire emergency response and the unavailability of ICC certified staff to perform the inspections. The Camp Fire occurred on November 8, 2018 which immediately required all environmental health staff to assist with the response to the emergency by assisting with shelters, making 20,000 re-entry kits and staffing re-entry checkpoints. After the immediate response actions were completed, environmental health staff, primarily CUPA staff had to transition to recovery by assisting with the Local Assistance Centers and assisting with creating and implementing the Government and Alternative Debris Removal Programs. Prior to the Camp Fire, the CUPA had four ICC certified UST inspectors, including the Supervisor and had just hired a new inspector the month prior. The Camp Fire recovery required the Supervisor to become the full time Deputy Incident Commander for debris removal acting as the overall manager of the Alternative Program as well as the county liaison to the Government Program at the Debris Removal Operations Center (DROC). A senior hazardous materials management specialist was assigned the day to day oversight of the Alternative Program and the rest of the CUPA staff was assigned with processing, reviewing and approving over 1,700 Alternative Program work plans and final reports in addition to spending time working at the DROC.

During June of 2019, a new hazardous materials specialist was hired and one senior hazardous material management specialist was allowed to cover the CUPA program, primarily for demand work such as UST construction permits, monitoring well and soil boring applications and consultant file review requests. In addition, this inspector began performing scheduled UST inspections as well as attempting to catch up on missed UST inspections by setting up appointments with Designated UST Operators to perform the visual inspection, perform on site paperwork inspection and review the latest UST Monitoring Certification reports. From June 2019 to February 2020, most of the CUPA staff was still heavily involved with Camp Fire recovery efforts with exception to the one senior staff who was covering the entire CUPA program. Then during early April 2020, in person inspections for inspectors were halted due to COVID-19. At this time, the senior inspector who had been managing the day to day operations of the Alternative Program became the full time COVID-19 health and safety officer for Public Health. However, the Program Supervisor performed UST inspections during this time in order to prevent falling further behind.

Since the Camp Fire and COVID-19 issues that prevented the CUPA from performing all annual UST inspections during these two years, from the period from October 6, 2020 and October 6, 2021 all UST have been inspected except one facility, which had an inspection in May 2021 which was coded as an "Other" inspection. The CUPA has been able to keep up with the inspection frequency during this time period even with losing the most senior inspector due to promotion as the Land Use Program Manager and another devastating wild fire, the North Complex Fire, where approximately 1,300 properties lost structures. On a positive note, two newer haz mat specialists became certified UST inspectors during September and October 2021 and an additional haz mat specialist was hired. To prevent missing UST inspections in the future, the Inspection and Enforcement Plan has been revised with the following plan to help ensure that annual inspections are performed on time as well as UST Monitoring Certifications are performed on time.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

Procedures to ensure that each Underground Storage Tank facility is inspected annually a process has been included on pages 18 and 19 in the submitted revised Inspection and Enforcement Plan. Submitted is a spreadsheet exported from the California Environmental Reporting System (CERS), which identifies each UST facility that has not been inspected within the last 12 months in addition to the last routine inspection date for each facility. During 2021, we there were only two facilities that have not been inspected. One facility was due in November but the monitoring certification has been delayed due to construction and the other was due in December and was scheduled but had to be postponed due to illness of the technician. This inspection was completed on January 4, 2022.

**Evaluation Team Response 1 [State Water Board]:**

Due to extenuating circumstances, the State Water Board is not able to review the narrative response, revised I&E Plan components, and CERS UST inspection spreadsheet provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 2:**

Since the State Water Board will review and provide comments on the revised I & E Plan after the second Progress Report, the CUPA will provide an amended I & E Plan, if required, based on feedback from the State Water Board.

Submitted is a spreadsheet exported from the California Environmental Reporting System (CERS), which identifies each UST facility that has not been inspected within the last 12 months in addition to the last routine inspection date for each facility.

**Evaluation Team Response 2 [State Water Board]:**

The revised I&E Plan includes steps to ensure UST inspection staff inspect all UST facilities at least once every 12 months and is acceptable. The action plan provided is acceptable as it includes an analysis and explanation as to why the annual compliance inspection requirement for the UST program is not being met, a spreadsheet of each UST facility that has not been inspected within the last 12 months, and indicates when inspections are to be completed.

With the next Progress Report, provide an updated spreadsheet and annual UST compliance inspection reports for annual UST compliance inspections conducted during the previous three months.

**CUPA Update 3:**

Submitted is a spreadsheet exported from the California Environmental Reporting System (CERS), which identifies each UST facility that has not been inspected within the last 12 months in addition to the last routine inspection date for each facility.

**Evaluation Team Response 3 [State Water Board]:**

Due to extenuating circumstances, the State Water Board is not able to review the information provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 4:**

Submitted is a spreadsheet exported from the California Environmental Reporting System (CERS), which identifies each UST facility that has not been inspected within the last 12 months in addition to the last routine inspection date for each facility. The CUPA is currently tracking

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

Monitoring Certifications and concurrent inspections and notifying facilities if they are overdue for their Monitoring Certification and ensuring that they get scheduled. Currently for the 4<sup>th</sup> Reporting Period, there is only facility that is less than two weeks late for their annual Monitoring Certification and inspection. This facility has been contacted to schedule their Monitoring Certification and inspection.

**Evaluation Team Response 4 [State Water Board]:**

The CERS spreadsheet provided is acceptable. Review of CERS CME information, including UST Routine Inspection Frequency Search spreadsheets downloaded from CERS on April 12, 2023 finds CERS ID 1027633 has not been inspected within the last 12 months, as the last routine inspection was conducted on March 10, 2022.

With the next Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet that includes UST compliance inspection information until all UST facilities have been inspected within the last 12 months.

**CUPA Update 5:**

Submitted is a spreadsheet exported from the California Environmental Reporting System (CERS), which identifies each UST facility that has not been inspected within the last 12 months in addition to the last routine inspection date for each facility. The CUPA is currently tracking Monitoring Certifications and concurrent inspections and notifying facilities if they are overdue for their Monitoring Certification and ensuring that they get scheduled. Currently for the 5<sup>th</sup> Reporting Period, there is one facility that is late for their annual inspection. This facility had a fire in the store prior to the scheduled Monitoring Certification and repairs have taken significantly longer than anticipated. Electrical is being completed during the week of August 21, 2023 and it is anticipated that the Monitoring Certification and inspection will be completed during the week of August 28, 2023.

**Evaluation Team Response 5 [State Water Board]:**

The provided spreadsheet exported from CERS, and the compliance inspection reports are sufficient. This deficiency is considered corrected.

---

**2. DEFICIENCY: CORRECTED**

The CUPA is not consistently ensuring return to compliance (RTC) is obtained within 60 days or is not consistently following up and documenting RTC information in CERS for UST violations.

Review of CERS compliance, monitoring, and enforcement (CME) information for each FY finds the following testing and leak detection violations did not obtain RTC within 60 days:

- FY 2017/2018
  - 55 of 221 (25%)
- FY 2018/2019
  - 64 of 153 (42%)
- FY 2019/2020
  - 57 of 189 (30%)

Below are examples of the testing and leak detection violations that did not obtain RTC within 60 days:



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- CERS ID 10276312: Violation dated October 24, 2019, indicates failure to maintain the interstitial space monitoring 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.
- CERS ID 10276102: Violation dated August 15, 2019, indicates failure to maintain secondary containment (e.g., failure of secondary containment testing).
- CERS ID 10276180: Violation dated May 4, 2020, indicate failure of a UST system installed on or after July 1, 2003, and before July 1, 2004, to be designed and constructed with a monitoring system capable of detecting the entry of the hazardous substance stored in the primary containment into the secondary containment and capable of detecting water intrusion into the secondary containment.

Note: The examples provided above may not represent all instances of this deficiency and only include testing and leak detection violations.

Note: This deficiency was identified and corrected during the 2018 CUPA Performance Evaluation process

**CITATION:**

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

**CORRECTIVE ACTION: COMPLETED**

By the 1<sup>st</sup> Progress Report, the CUPA will review and revise the I&E Plan or other applicable procedure, to ensure establishment of a process for UST inspection staff to document follow-up actions taken by the CUPA with UST facilities cited with violations return to compliance within 60 days and for applying appropriate enforcement. The CUPA will provide CalEPA with the revised I&E Plan, or other applicable procedure.

By the 2<sup>nd</sup> Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised I&E Plan or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, if amendments to the I&E Plan or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended I&E Plan or other applicable procedure.

By the 4<sup>th</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with UST facility records for five UST facilities, as selected by the State Water Board, that include RTC or documentation of an applied appropriate enforcement.

**CUPA Update 1:** Submitted is a Draft UST Return to Compliance Policy.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**Evaluation Team Response 1 [State Water Board]:** Due to extenuating circumstances, the State Water Board is not able to review the Draft UST Return to Compliance Policy provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 2:**

Since the State Water Board will review and provide comments on the Draft UST Return to Compliance Policy after the second Progress Report, the CUPA will provide an amended draft policy and procedure, if required, based on feedback from the State Water Board. If no amendments are required, the CUPA will provide documentation of staff training in the third Progress Report.

**Evaluation Team Response 2 [State Water Board]:**

The provided Draft UST Return to Compliance Policy is acceptable as it ensures establishment of a process for UST inspection staff to document follow-up actions taken by the CUPA with UST facilities cited with violations to return to compliance within 60 days and apply appropriate enforcement.

With the next Progress Report, finalize the Draft UST Return to Compliance Policy and provide training documentation, which at a minimum, will include an outline of the training conducted on the finalized UST Return to Compliance Policy and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the finalized UST Return to Compliance Policy.

**CUPA Update 3:**

Submitted is documentation for CUPA Staff UST Policy and Procedure Training which includes the UST Return To Compliance Policy. This training documentation includes a sign-in and agenda.

**Evaluation Team Response 3 [State Water Board]:**

Due to extenuating circumstances, the State Water Board is not able to review the information provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 4:**

Documentation for CUPA Staff UST Policy and Procedure Training was submitted for the 3<sup>rd</sup> Progress Report however, SWRCB was not able to review the information submitted. Additionally, SWRCB was not able to provided a list of UST RTC documentation to be submitted for the 4<sup>th</sup> Progress Report. Therefore, the CUPA has provided five examples of UST RTC documentation for the 4<sup>th</sup> Progress Report for SWRCB to review.

**Evaluation Team Response 4 [State Water Board]:**

The UST Policy and Procedure Training documentation is acceptable.

Of the five UST facility records, CERS ID 10276162 was missing RTC documentation of the spill container test report results and CERS ID 10276339 included RTC documentation that was obtained prior to the CUPA conducting the training on UST Policy and Procedure Training.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

With the next Progress Report, provide CalEPA with the following UST facility records that include RTC documentation of applied enforcement in the absence of obtaining RTC:

- CERS ID 10276162
- CERS ID 10276141

**CUPA Update 5:**

Submitted are UST RTC documentation for the following facilities:

- CERS ID 10276162
- CERS ID 10276141

**Evaluation Team Response 5 [State Water Board]:**

The provided UST RTC documentation for CERS ID 10276162 and CERS ID 10276141 is sufficient. This deficiency is considered corrected.

---

**3. DEFICIENCY: CLOSED**

The local ordinance, Chapter 37, Underground Hazardous Substances Storage Facilities, is less stringent and inconsistent with California Code of Regulations, Title 23, Division 3, Chapter 16, (UST Regulations) and Health and Safety Code, Chapter 6.7 (HSC).

Review of the local ordinance finds the following less stringent provisions and inconsistencies:

- Sections 37-2, 37-3, and 37-5 reference HSC, Sections 476 and 510, which were repealed. The applicable regulations for UST operating permits are within UST Regulations, Sections 2610 through 2728 and HSC, Sections 25280 through 25299.
- Section 37-4 states “It is the purpose of this chapter to adopt the regulations for the construction and monitoring of facilities used for the underground storage of hazardous substances,” however the CUPA’s local ordinance only references authority to HSC, Section 25287, which is not applicable to construction and monitoring requirements.
- Section 37-8 states “a permit to operate shall not be issued for any underground storage tank or facility shall be installed after January 1, 1986, unless the tank or facility meets the requirements identified in section 25291 of the Health and Safety Code,” which is inconsistent with HSC, Sections 25290.1 and 25290.2.
- Section 37-9 is inconsistent with the provisions of HSC, Section 25292, providing provisions for USTs installed on or before January 1, 1984.
- Section 37-10 states “an application for a permit to operate shall be filed with the health department on a form prescribed by the health officer” while CUPA permit applications are submitted through CERS. The provision needs to be updated to reflect the CERS submittal process.
- Section 37-11 states “the health officer shall act upon the application not later than ninety (90) days after the date it is accepted as complete.” State Water Board suggests this be updated to be consistent with guidance published on November 29, 2016, which states UST testing and maintenance records be reviewed no later than 30 days after submittal date, and all other records reviewed no later than 60 days after submittal date (see Note below).
- Section 37-13(A) references an “enterprise”, while the regulatory definition under HSC is “facility”.



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- Section 37-13(A) states “a copy of the permit shall be kept on the premises and shall be made available to the health officer upon demand” which is inconsistent with the provisions of UST Regulations, Section 2712, stating that records shall be made available, upon request within 36 hours, to the local agency or the State Water Board.
- Section 37-13(B) states “as a condition of any permit to operate, the permittee shall complete and file with the health officer an annual report which details any changes in the usage of any underground storage tanks...” while this requirement is no longer required by the CUPA.
- Section 37-13(B) states “As a condition of any permit to operate, the permittee shall complete and file with the health officer an annual report which details any changes in the usage of any underground storage tanks, including the storage of new hazardous substances, changes in monitoring procedures, and unauthorized release occurrences” which is inconsistent with the requirements of UST Regulations, Section 2631(I), stating that “on and after October 1, 2018, owners or operators shall demonstrate compatibility, 30 days before beginning to store or changing the hazardous substance...”
- Section 37-17 states “in accordance with sections 25288 and 25289 of the Health and Safety Code, the health officer shall inspect every underground storage tank or facility at least once every three (3) years,” while the regulatory requirement of HSC, Section 25288, is to inspect every UST within its jurisdiction at least once every twelve months.
- Section 37-19 references HSC, Section 25297, which pertains to the cleanup of leaking USTs. Starting on July 1, 2013, only a State Water Board certified Local Oversight Programs (LOPs) can implement corrective actions for the cleanup of leaking USTs. The CUPA is not a State Water Board certified LOP and, therefore, does not have the authority to implement corrective actions for the cleanup of leaking USTs.
- Section 37-21 is missing provisions of and is inconsistent with HSC, Sections 25285.1(a)(2) and (a)(3). Section 37-21(B) states “the revocation becomes effective fifteen (15) days after the date of service” which implies that a UST may operate without a UST operating permit for fifteen days after a permit revocation and is therefore less stringent than HSC.

Note: State Water Board correspondence dated November 29, 2016 “When to Review Underground Storage Tanks (UST) Records.” may be referenced.

**CITATION:**

HSC, Chapter 6.7 Section 25299.2, 25299.3

CCR, Title 23, Section 2620(c)

CCR, Title 27, Sections 15100(b)(1)(C), 15160, 15330(a) (1) and (a)(2), 15280(c)(5) and 15150(c)(2)

[State Water Board]

**CORRECTIVE ACTION: COMPLETED**

The CUPA will no longer implement provisions of the local ordinance that are less stringent or inconsistent with UST Regulations and HSC including, but not limited to, those listed above.

By the 2<sup>nd</sup> Progress Report, the CUPA will provide CalEPA with a detailed plan to revise and adopt the revised local ordinance to be consistent with UST Regulations and HSC. The plan will at a minimum will include:

- a timeline for revising, drafting, and adopting the local ordinance; and

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- provisions for the CUPA to provide the revised local ordinance to CalEPA and the State Water Board for analysis to ensure consistency with UST Regulations and HSC.

By the 3<sup>rd</sup> Progress Report, the CUPA will, if necessary, revise the plan for revision and adoption of the revised local ordinance, based on feedback from the State Water Board.

Considering the length of time required to draft, revise, and adopt local ordinances, the State Water Board will consider this deficiency closed, but not corrected, after the CUPA has provided an acceptable plan for the revision and adoption of the revised local ordinance as outlined above. During implementation of the plan, the State Water Board must have an opportunity to review the revised draft of the local ordinance, which will allow the State Water Board to work with the CUPA to ensure the revised draft of the local ordinance is consistent with UST Regulations and HSC, the CUPA certification approval, and meets all other requirements.

During the next CUPA performance evaluation, the State Water Board will verify that the revised local ordinances were adopted, and timely compliance was achieved for those UST facilities identified as not meeting UST Regulations or HSC as a result of the initial ordinance.

**Evaluation Team Response 1 [State Water Board]:** Not Applicable- The corrective action begins with the 2<sup>nd</sup> Progress Report.

**CUPA Update 2:**

Submitted is a Draft UST Ordinance Action Plan.

**Evaluation Team Response 2 [State Water Board]:**

The provided Draft UST Ordinance Action Plan is acceptable as it provides a timeline for revising, drafting, and adopting the local ordinance, including working with council for adoption or repeal, and includes provisions for the CUPA to provide the revised local ordinance to CalEPA and the State Water Board for analysis to ensure consistency with UST Regulations and HSC.

This deficiency is considered closed. During the next CUPA Performance Evaluation, the State Water Board will verify that the local ordinance was revised and adopted, or repealed, and that timely compliance was achieved for those UST facilities identified as not meeting UST Regulations or HSC as a result of the initial ordinance requirements.

---

**4. DEFICIENCY:**

UST compliance inspection information and facility inventory in the Semi-Annual Report (Report 6) is inconsistent with CUPA Self-Audit Reports and CERS CME information.

Review of Report 6, CUPA Self-Audit Reports and CERS CME UST facility inspection frequency information for each Fiscal Year (FY) finds the following UST facilities were inspected:

- FY 2017/2018
  - Report 6 – 99 of 99 (100%)
  - CUPA Self-Audit Report – 96 of 100 (96%)
  - CERS CME information – 97 of 101 (96%)
- FY 2018/2019
  - Report 6 – 78 of 99 (79%)
  - CUPA Self-Audit Report – 76 of 100 (76%)
  - CERS CME information – 77 of 101 (76%)

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- FY 2019/2020
  - Report 6 –82 of 99 (83%)
  - CUPA Self-Audit Report – 82 of 100 (82%)
  - CERS CME information – 75 of 101 (74%)

**CITATION:**

HSC, Chapter 6.11, Section 25404(e)(4)  
CCR, Title 23, Section 2713(c)(3)  
CCR, Title 27, Sections 15187(c) and 15290(b)  
[State Water Board]

**CORRECTIVE ACTION:**

By the 1st Progress Report, the CUPA will develop and provide CalEPA with an action plan that, at minimum, includes:

- A thorough analysis and explanation as to how Report 6, CUPA Self-Audit Reports and CERS CME information have inconsistent UST compliance inspection information; and
- A strategy to ensure UST compliance inspection information in Report 6, CUPA Self-Audit Reports and CERS will be accurately reported.

By the 1<sup>st</sup> Progress Report, the CUPA will revise and provide the Data Management Procedure, or other applicable procedure, to ensure establishment of a process, which at a minimum will address how UST compliance inspection information is accurately reported in Report 6, CUPA Self-Audit Reports, and CERS. The CUPA will provide CalEPA with the revised Data Management Procedure, or other applicable procedure.

By the 2<sup>nd</sup> Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended Data Management Procedure, or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised Data Management Procedure, or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised Data Management Procedure, or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended Data Management Procedure, or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended Data Management Procedure, or other applicable procedure.

By the 4<sup>th</sup> Progress Report and with each subsequent Progress Report until considered corrected, the CUPA will accurately report UST compliance inspection information in Report 6 and CERS for two consecutive Report 6 reporting periods.

**CUPA Update 1:** Prior to Report 6 paperless reporting in CERS, a variety of methods and reports were utilized to complete Report 6 and the CUPA Self Audit which lead to discrepancies between those reports and UST CME data in CERS. Prior to paperless reporting approved in 2020, the CUPA would use a spreadsheet filled out by inspectors for Report 6 data with an

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

attempt to QAQC the data with the inspection data in Envision Connect and an attempt would be made to QAQC this data with Envision Connect and CERS. However, this was a complicated process due to lack of Envision Connect functionality and may have resulted in reporting errors. The CUPA was also dealing with response and recovery efforts related to the Camp Fire and North Complex Fire which may have led to errors in the reporting. Additionally, errors have been discovered while checking inspection data for Report 6 paperless reporting has been inspectors having more than one routine inspection for a facility due to miscoding of the inspection. The process outlined in the updated Data Management Policy addresses this issue to prevent further discrepancies.

Submitted is an updated CUPA Data Management Procedure which includes a UST Data Management and Reporting section.

**Evaluation Team Response 1 [State Water Board]:** Due to extenuating circumstances, the State Water Board is not able to review the narrative update and revised Data Management Procedure provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 2:**

Since the State Water Board will review and provide comments on the revised Data Management Procedure after the second Progress Report, the CUPA will provide an amended draft policy and procedure, if required, based on feedback from the State Water Board. If no amendments are required, the CUPA will provide documentation of staff training in the third Progress Report.

**Evaluation Team Response 2 [State Water Board]:**

The action plan provided is acceptable as the CUPA included a thorough analysis and explanation as to how Report 6, CUPA Self-Audit Reports and CERS CME information have inconsistent UST compliance inspection information and a strategy to ensure UST compliance inspection information in Report 6, CUPA Self-Audit Reports and CERS will be accurately reported.

The UST Data Management and Reporting section of the revised Data Management Procedure provided establishes a process as to how UST compliance inspection information is accurately reported in Report 6, CUPA Self-Audit Reports, and CERS.

With the next Progress Report, provide training documentation, which at a minimum, will include an outline of the training conducted on the revised Data Management Procedure and a list of UST inspection staff in attendance. Once training is complete, the CUPA will impellent the revised Data Management Procedure.

The State Water Board anticipates reviewing the first of two consecutive Report 6 reporting periods in the 4<sup>th</sup> Progress Report.

**CUPA Update 3:**

Submitted is documentation for CUPA Staff UST Policy and Procedure Training which includes the revised Data Management Procedures regarding Report 6, CUPA Self-Audit Reports and CERS CME UST facility inspection frequency information. This training documentation includes a sign-in and agenda.

**Evaluation Team Response 3 [State Water Board]:**

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

Due to extenuating circumstances, the State Water Board is not able to review the information provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 4:**

The CUPA looks forward to SWRCB's review of the documentation for CUPA Staff UST Policy and Procedure Training which includes the revised Data Management Procedures regarding Report 6, CUPA Self-Audit Reports and CERS CME UST facility inspection frequency information submitted for the 3<sup>rd</sup> Progress Report.

**Evaluation Team Response 4 [State Water Board]:**

The UST Policy and Procedure Training documentation is acceptable.

UST compliance inspection information in Report 6 and CERS was reviewed for two consecutive Report 6 reporting periods (January-June and July-December 2022). Review of the January-June 2022 Report 6 and CERS CME information finds UST compliance inspection information was inconsistently reported.

With the 6<sup>th</sup> Progress Report, UST compliance inspection information will accurately be reported in Report 6 and CERS for two consecutive Report 6 reporting periods.

**Note: An update for Progress Report 5 is not necessary for the CUPA nor the State Water Board. The State Water Board will review Report 6 and CERS CME information to ensure UST compliance inspection information is accurately reported for two consecutive Report 6 reporting periods.**

---

**5. DEFICIENCY: CORRECTED**

The UST operating permit, which is required to be issued under the Unified Program Facility Permit (UPFP), is inconsistent with UST Regulations and HSC.

Review of the UST operating permit finds the following inconsistencies with UST Regulations and HSC:

- The UST operating permit includes the provision that "Title 23, CCR, Section 2712(i) states that 'a copy of the operating permit and all conditions and all attachments, including the monitoring plans, shall be retained at the facility'" which is out-of-date with the current requirement of UST Regulations, section 2717(i), stating that "a paper or electronic copy of the permit and all conditions and attachments, including monitoring plans, shall be readily accessible at the facility.
- Permit conditions reference HSC, chapter 6.75, however, the CUPA does not have regulatory authority under HSC, chapter 6.75.

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

Note: This deficiency was identified and corrected during the 2018 CUPA Performance Evaluation process.



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**CITATION:**

HSC, Chapter 6.7  
CCR, Title 23, Sections 2712(c) and (i)  
CCR, Title 27, Section 15190(h)  
[CalEPA, State Water Board]

**CORRECTIVE ACTION: COMPLETED**

By the 1<sup>st</sup> Progress Report, the CUPA will provide CalEPA with a revised UST operating permit template, issued under the UPFP, consistent with UST Regulations and HSC.

By the 2nd Progress Report, the CUPA will, if necessary, amend the revised UST operating permit template, based on feedback from the State Water Board, and will provide the amended UST operating permit template to CalEPA. If no amendments are necessary, the CUPA will begin to issue the revised UST operating permit issued under the UPFP.

As a result of the CUPA's five year permitting cycle, the State Water Board will consider this deficiency corrected upon completion and acceptance of the revised or amended UST operating permit template. Issuance of the revised or amended UST operating permit template will be verified during the next CUPA Performance Evaluation.

**CUPA Update 1:** Submitted is the revised UST Permit to Operate, issued under the UPFP.

**Evaluation Team Response 1 [CalEPA, State Water Board]:**

**CalEPA:** A review of the revised UST Permit to Operate finds that it is now being issued under a UPFP template and includes all the required components of Title 27. CalEPA considers this deficiency to be corrected.

**State Water Board:** Due to extenuating circumstances, the State Water Board is not able to review the revised UST Permit to Operate provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 2:**

Since the State Water Board will review and provide comments on the revised UST Permit to Operate after the second Progress Report, the CUPA will provide an amended UST Permit to Operate, if required, based on feedback from the State Water Board. If no amendments are required, the CUPA will begin using the new UST Permit to Operate template for future permits issued.

**Evaluation Team Response 2 [State Water Board]:**

The revised UST Permit to Operate template, issued under the UPFP template is acceptable as it includes the correct requirements for maintaining a paper or electronic copy of the permit to operate and correct code citations for UST Program implementation.

This deficiency is considered corrected. No further action is required.

During the next CUPA Performance Evaluation, the State Water Board will verify issuance of the revised UST Operating Permit template, issued under the UPFP template.

---

**6. DEFICIENCY: CORRECTED**

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

The CUPA is not consistently inspecting abandoned USTs and/or applying appropriate enforcement to ensure the proper closure of abandoned USTs in accordance with UST Regulations and HSC.

The State Water Board and Report 6 identify abandoned USTs at the following UST facilities:

- CERS ID 10734502 (Tanks 001 – 003), and
- CERS ID 10276135 (Tanks 001 – 003), and
- CERS ID 10276408 (Tanks 001 – 005).

Review of CERS CME information finds the CUPA did not consistently inspect the following abandoned UST facilities in accordance with UST Regulations and HSC:

- CERS ID 10734502 (Tanks 001 – 003): No inspection in CERS for FYs 2017/2018, 2018/2019, and 2019/2020.
- CERS ID 10276135 (Tanks 001 – 003): No inspection in CERS for FYs 2017/2018, 2018/2019, and 2019/2020.
- CERS ID 10276408 (Tanks 001 – 005): No inspection in CERS for FYs 2017/2018, 2018/2019, and 2019/2020.

While the CUPA has received a workplan for removal of CERS ID 10734502 (Tanks 001 – 003), the CUPA is not consistently applying appropriate enforcement to ensure the proper closure of the following abandoned USTs in accordance with UST Regulations and HSC:

- CERS ID 10276135 (Tanks 001 – 003)
- CERS ID 10276408 (Tanks 001 – 005)

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

Note: State Water Board correspondence dated April 27, 2017 “Conclusion of the Abandoned Underground Storage Tank Initiative, and Unified Program Agency Inspection and Reporting Requirements.” may be referenced.

CERS FAQ: “Reporting Abandoned USTs.” may be referenced.

**CITATION:**

HSC, Chapter 6.7, Sections 25298 and 25299(a)(5) or (b)(3)  
[State Water Board]

**CORRECTIVE ACTION: COMPLETED**

With respect to the identified abandoned USTs above, the CUPA will follow up and ensure proper closure is completed in accordance with UST Regulations and HSC. Any UST installed on or after January 1, 1984, which is operational, or temporarily closed, or abandoned and previously regulated by the CUPA, shall be:

- reported to CERS, or to a local reporting portal; and
- inspected annually, applying appropriate enforcement to obtain compliance if needed, and;
- reported in Report 6 with Technical Compliance Rate (TCR) information

By the 1<sup>st</sup> Progress Report, the CUPA will develop an action plan to properly inspect abandoned USTs at least once every 12 months and apply appropriate enforcement for the proper closure of abandoned USTs. The CUPA will provide CalEPA with the action plan.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

By the 1<sup>st</sup> Progress Report, the CUPA will review and revise the I&E Plan or other applicable procedure, to ensure establishment of a process for proper closure of abandoned USTs, including how the CUPA inspects and enforces proper closure of abandoned USTs. The process, at a minimum, will address:

- Conducting UST compliance inspections;
- Applying appropriate enforcement; and
- Providing TCR information in Report 6.

The CUPA will provide CalEPA with the revised I&E Plan or other applicable procedure.

By the 2<sup>nd</sup> Progress Report, if amendments to the revised I&E Plan or other applicable procedure are necessary based on feedback from State Water Board, the CUPA will provide CalEPA with the amended I&E Plan or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised I&E Plan or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, if amendments to the revised I&E Plan or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended I&E Plan or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended I&E Plan or other applicable procedure.

By the 4<sup>th</sup> Progress Report, and with each subsequent Progress Report until considered corrected, for each remaining abandoned UST, the CUPA will provide CalEPA with UST compliance inspections, TCR information in Report 6, UST closure records (if applicable), or the applied appropriate enforcement.

**CUPA Update 1:** Butte County CUPA had begun performing routine inspections of abandoned UST facilities in December 2017, however due to staff resources dedicated for the Camp Fire recovery efforts these inspections were not completed in 2018 and 2019. Butte County CUPA was planning on resuming the inspections during December 2020, however the North Complex Fire occurred in September 2020 and again staff were dedicated to recovery efforts and therefore those inspections did not occur until January 2021. Abandoned UST inspections will be performed every January in our electronic data base and uploaded into CERS yearly. Submitted is a new Policy and Procedure for inspection and graduated enforcement for abandoned UST systems.

**Evaluation Team Response 1 [State Water Board]:** Due to extenuating circumstances, the State Water Board is not able to review the narrative update and new inspection and graduated enforcement for abandoned UST systems Policy and Procedure provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 2:**

Since the State Water Board will review and provide comments on the Draft Abandoned Underground Storage Tank Policy and Procedure after the second Progress Report, the CUPA will provide an amended draft policy and procedure, if required, based on feedback from the

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

State Water Board. If no amendments are required, the CUPA will provide documentation of staff training in the third Progress Report.

**Evaluation Team Response 2 [State Water Board]:**

The action plan provided is acceptable as it reflects the Draft Abandoned Underground Storage Tank Policy and Procedure, which addresses inspecting abandoned USTs at least once every 12 months and applying appropriate enforcement for the proper closure of abandoned USTs. The Draft Abandoned Underground Storage Tank Policy and Procedure includes a process for proper closure of abandoned USTs, including how the CUPA inspects and enforces proper closure of abandoned USTs.

With the next Progress Report, finalize the Draft Abandoned Underground Storage Tank Policy and Procedure and provide training documentation, which at a minimum, will include an outline of the training conducted on the finalized Abandoned Underground Storage Tank Policy and Procedure and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the finalized Abandoned Underground Storage Tank Policy and Procedure.

**CUPA Update 3:**

Submitted is documentation for CUPA Staff UST Policy and Procedure Training which includes the Abandoned UST Inspection Policy. This training documentation includes a sign-in and agenda.

**Evaluation Team Response 3 [State Water Board]:**

Due to extenuating circumstances, the State Water Board is not able to review the information provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 4:**

The CUPA looks forward to SWRCB's review of the documentation for CUPA Staff UST Policy and Procedure Training which includes the Abandoned UST Inspection Policy submitted for the 3rd Progress Report.

Additionally, submitted with this report are the annual inspection reports for the abandoned UST Facilities. Both SWRCB and EPA are currently assisting the CUPA with enforcement for Joe's Super Stop, however, the SWRCB Notice of Non-Compliance sent to the property owner was returned as undeliverable.

**Evaluation Team Response 4 [State Water Board]:**

The UST Policy and Procedure Training documentation is acceptable.

Review of CERS, Report 6, and the provided UST compliance inspection and enforcement documentation for the remaining abandoned USTs indicates the CUPA is inspecting and/or applying enforcement for each abandoned UST. This deficiency is considered corrected. No further action is required.

---

**7. DEFICIENCY: CORRECTED**

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

The CUPA is not documenting in sufficient detail whether the UST owner or operator has demonstrated to the satisfaction of the CUPA UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC.

Review of facility files finds the following examples are “no further action letters” and does not document in sufficient detail that the owner or operator has demonstrated proper closure to the satisfaction of the CUPA and in accordance with UST Regulations and HSC:

- CERS ID 10129501
- CERS ID 10276228

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

Note: State Water Board UST Program Leak Prevention [Frequently Asked Question 15](https://www.waterboards.ca.gov/ust/leak_prevention/faq15.shtml) ([https://www.waterboards.ca.gov/ust/leak\\_prevention/faq15.shtml](https://www.waterboards.ca.gov/ust/leak_prevention/faq15.shtml)) may be referenced.

**CITATION:**

HSC, Chapter 6.7, Section 25298(c)  
CCR, Title 23, Section 2672(d)  
[State Water Board]

**CORRECTIVE ACTION: COMPLETED**

By the 1<sup>st</sup> Progress Report, the CUPA will review and revise the UST closure procedure or other applicable procedure ensuring the establishment of a process, which will include at a minimum, how the CUPA will:

- Document in sufficient detail the owner or operator has demonstrated to the satisfaction of the CUPA that UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC

The CUPA will provide the developed or revised UST closure procedure, or other applicable procedure to CalEPA.

By the 1<sup>st</sup> Progress Report, the CUPA will develop or review and revise a UST closure letter template for sites with and without contamination if separate letters are issued for those scenarios. The CUPA may consider including the following language in the UST closure letter template: “the Butte County Environmental Health Department has reviewed the UST closure documentation and approves the UST closure as properly completed in accordance with HSC Section 25298, subdivision (c) and UST Regulations, Section 2672.”

By the 2<sup>nd</sup> Progress Report, if amendments to the revised UST closure procedure or other applicable procedure and/or UST closure letter template are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended UST closure procedure or other applicable procedure and/or UST closure letter template. If no amendments to the revised UST closure procedure or other applicable procedure and/or UST closure letter template are necessary, the CUPA will train UST inspection staff on the revised UST closure procedure and/or UST closure letter template. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised UST closure procedure and/or UST closure letter template.



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

By the 3<sup>rd</sup> Progress Report, if amendments to the revised UST closure procedure or other applicable procedure and/or UST closure letter template were necessary, the CUPA will train UST inspection staff on the amended UST closure procedure and/or UST closure letter template. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended UST Closure procedure and/or UST closure letter template.

By the 4<sup>th</sup> Progress Report, and with each subsequent Progress Report until considered corrected, for the next two UST closures, the CUPA will provide CalEPA with the UST closure records, including sampling results, that demonstrates to the satisfaction of the CUPA, UST closure and soil and/or groundwater sampling complies with UST Regulations and HSC. If no UST closures have occurred by the 4<sup>th</sup> Progress Update, the State Water Board will consider this Deficiency closed but not corrected upon completion of training, and implementation of the revised or amended I&E Plan or other applicable procedure and or UST closure letter template. The State Water Board will verify proper sampling and analysis of soil and/or groundwater during or immediately after UST closure activities during the next CUPA performance evaluation.

With respect to facilities which have not been provided UST closure documentation, the CUPA will use the revised or amended UST closure letter template and will provide the documentation upon request.

**CUPA Update 1:** Submitted are revised Underground Storage Tank Closure letter templates; one for facilities where no further action is required and the other for contamination cases referred to the RWQCB.

**Evaluation Team Response 1 [State Water Board]:** Due to extenuating circumstances, the State Water Board is not able to review the revised UST closure letter templates provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 2:**

Since the State Water Board will review and provide comments on the revised UST Closure letter templates after the second Progress Report, the CUPA will provide amended UST Closure letters, if required, based on feedback from the State Water Board. If no amendments are required, the CUPA will begin using the new UST Closure letter templates.

**Evaluation Team Response 2 [State Water Board]:**

A revised UST Closure letter template was provided for facilities where no further action is required (without contamination), and a revised UST Closure letter template was provided for facilities with referral to the Regional Water Quality Control Board (with contamination). Both UST Closure letter templates provided are acceptable.

The revised UST Closure Policy is acceptable as it includes the processes for UST closure activities, including documenting in sufficient detail the owner or operator has demonstrated to the satisfaction of the CUPA that UST closure and soil and/or groundwater sampling.

With the next Progress Report, provide training documentation, which at a minimum, will include an outline of the training conducted on the use of the revised UST Closure letter templates and the revised UST Closure Policy with a list of UST inspection staff in attendance. Once training is

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

complete, the CUPA will utilize the revised UST Closure letter templates and implement the revised UST Closure Policy.

**CUPA Update 3:**

Submitted is documentation for CUPA Staff UST Policy and Procedure Training which includes the revised templates for UST Closure Letters and UST Closure Policy. This training documentation includes a sign-in and agenda.

**Evaluation Team Response 3 [State Water Board]:**

Due to extenuating circumstances, the State Water Board is not able to review the information provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 4:**

The CUPA looks forward to SWRCB's review of the documentation for CUPA Staff UST Policy and Procedure Training which includes the revised templates for UST Closure Letters and UST Closure Policy submitted for the 3rd Progress Report.

Submitted are UST Closure reports and Closure letters for two facilities which had USTs permanently closed in the last reporting period.

**Evaluation Team Response 4 [State Water Board]:**

The UST Policy and Procedure Training documentation is acceptable.

Review of the two UST closure records provided demonstrates to the satisfaction of the CUPA that UST closure and soil and groundwater sampling complies with UST regulations and HSC. This deficiency is considered corrected. No further action is required.

Note: With respect to facilities which have not been provided UST closure documentation, the CUPA will provide the closure notification documentation upon request. The State Water Board recommends the CUPA review the following UST Closure Notification template to ensure the UST closure notification template meets current requirements:

[https://www.waterboards.ca.gov/water\\_issues/programs/ust/docs/ust-closure-letter-template-final.pdf](https://www.waterboards.ca.gov/water_issues/programs/ust/docs/ust-closure-letter-template-final.pdf).

---

**8. DEFICIENCY: CORRECTED**

The CUPA is not requiring proper sampling and analysis of soil and/or groundwater as part of UST closure activities.

The CUPA is not requiring groundwater analysis if groundwater is present in the excavation pit.

Review of UST facility files for CERS ID 10276228 (Tanks 001 – 003) finds the UST Removal and Station Decommissioning Report, dated July 23, 2019, states that groundwater was found at the time of the excavation. No groundwater samples were taken and no groundwater analysis was provided with the closure documentation.

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

**CITATION:**

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

CCR, Title 23, Section 2672(d)  
[State Water Board]

**CORRECTIVE ACTION: COMPLETED**

By the 1<sup>st</sup> Progress Report, the CUPA will review and revise the I&E Plan, or other applicable procedure, to ensure establishment of a process for requiring UST closure activities, which will at a minimum address:

- Taking soil samples immediately beneath the removed portions of the UST, a minimum of two feet into native material at each end of the UST and/or groundwater samples if groundwater is found in the excavation pit;
- Proper analysis of soil and/or groundwater samples;
- Taking separate samples for each 20 linear-feet of trench for piping;
- Provide documentation of proper disposal of the removed USTs or documentation that the USTs were filled with an inert solid;
- Provide chain of custody for all samples taken; and
- Permanent closure where UST) are closed in place including taking a minimum of one boring sample as close as possible to the midpoint beneath the UST using a slant boring or other appropriate method.

By the 2<sup>nd</sup> Progress Report, if amendments to the revised I&E Plan or other procedure are necessary based on feedback from State Water Board, the CUPA will provide CalEPA with a copy of the amended I&E Plan or other procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised I&E Plan or other procedure. The CUPA will provide training documentation to CalEPA, which at minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised I&E Plan or other procedure.

By the 3<sup>rd</sup> Progress Report, if amendments were necessary, the CUPA will train UST inspection staff on the amended I&E Plan or other procedure. The CUPA will provide training documentation to CalEPA, which at minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended I&E Plan or other procedure.

By the 4<sup>th</sup> Progress Report, or until considered corrected, the CUPA will provide the State Water Board with up to two UST closure records, including sampling results, for the next two UST closures. If no UST closures have occurred by the 4<sup>th</sup> Progress Update, the State Water Board will consider this Deficiency closed but not corrected upon completion, training, and implementation of the revised I&E Plan or procedure. The State Water Board will verify proper sampling and analysis of soil and/or groundwater during or immediately after UST closure activities during the next triennial CUPA performance evaluation.

**CUPA Update 1:** Submitted is the Revised UST Closure Policy and associated UST Closure inspection worksheet.

**Evaluation Team Response 1 [State Water Board]:** Due to extenuating circumstances, the State Water Board is not able to review the Revised UST Closure Policy and UST Closure inspection worksheet provided at this time. The State Water Board will provide a response with the next Progress Report.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**CUPA Update 2:**

Since the State Water Board will review and provide comments on the revised UST Closure Policy and associated UST Closure inspection worksheet after the second Progress Report, the CUPA will provide an amended draft policy and procedure, if required, based on feedback from the State Water Board. If no amendments are required, the CUPA will provide documentation of staff training in the third Progress Report.

**Evaluation Team Response 2 [State Water Board]:**

The revised UST Closure Policy and associated UST Closure Field Worksheet are acceptable as they address the processes for UST closure activities, including the documentation of where samples are taken, water samples if applicable, identifying the number of USTs closed in place and/or removed, etc.

With the next Progress Report, provide training documentation, which at a minimum, will include an outline of the training conducted on the UST Closure Policy and the associated UST Closure Field Worksheet, and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised UST Closure Policy and associated UST Closure Field Worksheet.

**CUPA Update 3:**

Submitted is documentation for CUPA Staff UST Policy and Procedure Training which includes the revised UST Closure Policy and Field Worksheet. This training documentation includes a sign-in and agenda.

**Evaluation Team Response 3 [State Water Board]:**

Due to extenuating circumstances, the State Water Board is not able to review the information provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 4:**

The CUPA looks forward to SWRCB's review of the documentation for CUPA Staff UST Policy and Procedure Training which includes the revised UST Closure Policy and Field Worksheet submitted for the 3rd Progress Report.

Submitted are UST Closure reports and Closure letters for two facilities which had USTs permanently closed in the last reporting period.

**Evaluation Team Response 4 [State Water Board]:**

The UST Policy and Procedure Training documentation and closure reports provided are acceptable. This deficiency is considered corrected. No further action is required.

---

**9. DEFICIENCY: CORRECTED**

The CUPA is not correctly implementing proper UST temporary closure requirements.

Review of Report 6, CERS information and UST temporary closure documentation in UST facility files finds there are five UST facilities in temporary closure.

On April 7, 2021, the CUPA verified the following UST facilities had been placed into temporary closure due to the damage caused by the 2018 Camp Fire:

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- CERS ID 10129501 (Tanks 001 – 003)
  - Placed into temporary closure on September 20, 2020.
- CERS ID 10276510 (Tanks 001 – 003)
  - Placed into temporary closure on November 5, 2019, which is beyond 12 months without conducting a site assessment and has not been brought into compliance by the end of temporary closure duration.
- CERS ID 10276174 (Tanks 001 – 004)
  - Placed into temporary closure on January 7, 2019, which is beyond 12 months without conducting a site assessment and has not been brought into compliance by the end of temporary closure duration.
- CERS ID 10276147 (Tanks 001 – 005)
  - Placed into temporary closure on January 7, 2019, which is beyond 12 months without conducting a site assessment and has not been brought into compliance by the end of temporary closure duration.
- CERS ID 10276219 (Tanks 001 – 003)
  - Placed into temporary closure on August 12, 2019, which is beyond 12 months without conducting a site assessment and has not been brought into compliance by the end of temporary closure duration.

Note: The above listed UST facilities were placed into temporary closure due to the November 2018 Camp Fire. The CUPA's resources have consequently been redirected to the associated cleanup activities.

**CITATION:**

HSC, Chapter 6.7, Section 25293

CCR, Title 23, Sections 2670 (b), 2671(c) and 2672 (d)

[State Water Board]

**CORRECTIVE ACTION: COMPLETED**

By the 1<sup>st</sup> Progress Report, the CUPA will review and revise the I&E Plan, or other applicable procedure, to ensure establishment of a process to correctly implement UST temporary closure requirements, which will include, at a minimum, the following:

- Issuing a temporary closure permit that does not extend beyond 12 months;
- Reviewing and approving a site assessment conducted prior to granting a temporary closure extension of no more than an additional 12 months;
- Requiring documentation from the owner or operator to show inspections were conducted at least once every three months while the UST is in temporary closure;
- Reviewing quarterly inspections during the UST compliance inspection to ensure the owner or operator is complying with the temporary closure permit requirements; and
- Putting only those USTs into temporary closure that are intended to be brought back into operation.

The CUPA will provide CalEPA with the revised I&E Plan, or other applicable procedure.

By the 2<sup>nd</sup> Progress Report, if amendments to the revised I&E Plan, or other applicable procedure, are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan, or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised I&E Plan, or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised I&E Plan, or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, if amendments to the revised I&E Plan, or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended I&E Plan, or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended I&E Plan, or other applicable procedure.

Note: To comply with the December 31, 2025, single-walled UST closure regulatory deadline, the CUPA may not issue temporary closure permits for USTs or UST systems with single-walled components on or after December 31, 2024. Temporary closure permits may only be issued to USTs or UST systems that will be brought back into operation. The State Water Board strongly recommends CUPAs not issue temporary closure permits to USTs or UST systems with single-walled components on or after December 31, 2023, to help mitigate the potential of UST abandonment.

**CUPA Update 1:** Submitted is a new UST Temporary Closure Policy and associated UST Temporary Closure Permit template.

**Evaluation Team Response 1 [State Water Board]:** Due to extenuating circumstances, the State Water Board is not able to review the Revised UST Closure Policy and UST Closure inspection worksheet provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 2:**

Since the State Water Board will review and provide comments on the draft UST Temporary Closure Policy and associated UST Temporary Closure Permit template after the second Progress Report, the CUPA will provide an amended draft policy and procedure, if required, based on feedback from the State Water Board. If no amendments are required, the CUPA will provide documentation of staff training in the third Progress Report.

**Evaluation Team Response 2 [State Water Board]:**

The Draft UST Temporary Closure Policy and associated UST Temporary Closure Permit template, which establish a process to correctly implement UST temporary closure requirements, are acceptable.

With the next Progress Report, finalize the Draft UST Temporary Closure Policy and associated UST Temporary Closure Permit template. Provide training documentation, which at a minimum, will include an outline of the training conducted on the finalized UST Temporary Closure Policy and the associated UST Temporary Closure Permit template, and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the finalized UST Temporary Closure Policy and the associated UST Temporary Closure Permit template.

**CUPA Update 3:**

Submitted is documentation for CUPA Staff UST Policy and Procedure Training which includes the UST Temporary Closure Policy. This training documentation includes a sign-in and agenda.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**Evaluation Team Response 3 [State Water Board]:**

Due to extenuating circumstances, the State Water Board is not able to review the information provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 4:**

The CUPA looks forward to SWRCB's review of the documentation for CUPA Staff UST Policy and Procedure Training which includes the UST Temporary Closure Policy submitted for the 3rd Progress Report.

Additionally submitted are annual inspection reports for Temporary Closed Facilities currently out of compliance due to destruction of the stores during the Camp and North Complex Fires. However, there is progress being made to return to compliance for the following facilities:

- Kwik Stop, CERS ID 10276219; Applied for a Building Permit with the Town of Paradise as well as an UST Repair Permit with the CUPA. We anticipate construction to be commencing during the spring or summer.
- Paradise Food and Gas, CERS ID 10276510; Applied for a Use Permit with the Town of Paradise. Once the Use Permit has been approved, they can apply for a Building Permit from the Town of Paradise and an UST Repair Permit with the CUPA.

**Evaluation Team Response 4 [State Water Board]:**

The UST Policy and Procedure Training documentation, annual inspection reports, and updates for the temporarily closed UST facilities are acceptable. This deficiency is considered corrected. No further action is required.

Note: To comply with the December 31, 2025, single-walled UST closure regulatory deadline, the CUPA may not issue temporary closure permits for USTs or UST systems with single-walled components on or after December 31, 2024. Temporary closure permits may only be issued to USTs or UST systems that will be brought back into operation. The State Water Board strongly recommends not issuing temporary closure permits to USTs or UST systems with single-walled components on or after December 31, 2023, to help mitigate the potential of UST abandonment.

---

**10. DEFICIENCY:**

The CUPA is not ensuring UST Program related information in CERS is accurate and complete.

Review of the UST Facility/Tank Data Download report obtained from CERS on March 18, 2021, finds UST monitoring and construction data are incorrect as follows:

- 6 of 10 (60%) single-walled steel USTs incorrectly show unlined primary construction.
- 3 of 32 (9%) UST systems with VPH monitoring installed on, or after, July 1, 2004, are listed with secondary containment testing.
- 3 of 32 (9%) UST systems with VPH monitoring show periodic enhanced leak detection testing.
- 17 of 228 (6%) UST systems with double walled piping show no piping/turbine containment sump.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- 12 of 220 (6%) UST systems with double walled piping installed between January 1, 1984, and June 30, 2004, show no continuous interstitial monitoring.

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

Note: The following CERS FAQs may be referenced:

- General Reporting Requirements for USTs
- When to Issue a UST Operating Permit
- Common CERS Reporting Errors
- Setting Accepted Submittal Status, and
- Which Forms Require Uploading to CERS

Note: State Water Board correspondence dated November 29, 2016, "When to Review Underground Storage Tank Records." may be referenced.

Note: This deficiency was identified as an incidental finding and resolved during the 2018 CUPA Performance Evaluation process.

**CITATION:**

CCR, Title 23, Sections 2632(d)(1), 2634(d)(2), 2641(g) and (h) and 2711(d)  
[State Water Board]

**CORRECTIVE ACTION:**

By the 2<sup>nd</sup> Progress Report, the CUPA will review and revise the Data Management Procedure, or other applicable procedure, to ensure the establishment of a process for UST inspection staff to review CERS UST submittal information for accuracy and completeness. The revised procedure will, at a minimum, delineate the CUPA's process for reviewing UST CERS submittals for accuracy and completeness regarding monitoring and construction requirements as follows:

- Based on the UST installation date, the CUPA will review UST CERS submittals for correct monitoring and construction requirements; and
- When UST CERS submittal information is identified as incorrect, the CUPA will either:
  - accept UST CERS submittals with minor errors utilizing a condition set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe or;
  - not accept UST CERS submittals and provide comments with the requirement to resubmit UST information within a specified time.
- When the UST CERS submittal is not corrected within the time specified by the CUPA, the CUPA will apply appropriate enforcement per the I&E Plan.

The CUPA will provide CalEPA with the revised Data Management Procedure, or other applicable procedure.

By the 3<sup>rd</sup> Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure are necessary based on feedback from the State Water Board, the CUPA will provide CalEPA with the amended Data Management Procedure, or other applicable procedure. If no amendments are necessary, the CUPA will train UST inspection staff on the revised Data Management Procedure, or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised Data Management Procedure, or other applicable procedure.

By the 4<sup>th</sup> Progress Report, if amendments to the revised Data Management Procedure, or other applicable procedure were necessary, the CUPA will train UST inspection staff on the amended Data Management Procedure, or other applicable procedure. The CUPA will provide training documentation to CalEPA, which at a minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the amended Data Management Procedure, or other applicable procedure.

By the 5<sup>th</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the State Water Board will review five UST submittals accepted by the CUPA in CERS, subsequent to UST inspection staff receiving training.

**Evaluation Team Response 1 [State Water Board]:** Not Applicable- The corrective action begins with the 2<sup>nd</sup> Progress Report.

**CUPA Update 2:**

Submitted is a revised Data Management Procedure which includes a section on “UST CERS Submittals and Review”. The CUPA is currently working on identifying submittal errors identified in the evaluation as well as other potential errors and will work with facilities to correct those errors during the 3<sup>rd</sup> reporting period.

**Evaluation Team Response 2 [State Water Board]:**

The revised Data Management Procedure, which includes a section on “UST CERS Submittals and Review,” is acceptable as it establishes a process for UST inspection staff to review CERS UST submittal information for accuracy and completeness.

With the next Progress Report, provide training documentation, which at a minimum, will include an outline of the training conducted on the revised Data Management Procedure and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised Data Management Procedure.

**CUPA Update 3:**

Submitted is documentation for CUPA Staff UST Policy and Procedure Training which includes the revised Data Management Procedures regarding UST CERS Information Review. This training documentation includes a sign-in and agenda.

**Evaluation Team Response 3 [State Water Board]:**

Due to extenuating circumstances, the State Water Board is not able to review the information provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 4:**

The CUPA looks forward to SWRCB’s review of the documentation for CUPA Staff UST Policy and Procedure Training which includes the revised Data Management Procedures regarding UST CERS Information Review submitted for the 3<sup>rd</sup> Progress Report.

**Evaluation Team Response 4 [State Water Board]:**

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

Review of the five UST submittals above indicates the CUPA is accepting UST program related information in CERS, including monitoring and construction information, that is not accurate or complete.

With the next Progress Report, the CUPA will schedule and attend quality assurance/quality control (QA/QC) training with the State Water Board. The CUPA will provide CalEPA with training documentation, which at minimum, will include an outline of the training conducted and a list of UST inspection staff in attendance. To schedule the QA/QC training with the State Water Board, contact Kaitlin Cottrell at [kaitlin.cottrell@waterboards.ca.gov](mailto:kaitlin.cottrell@waterboards.ca.gov).

**CUPA Update 5:**

All CUPA inspectors attended CERS UST Data QA/QC Training provided by Kaitlin Cottrell of the State Water Board on August 25, 2023. Submitted is a sign in sheet documenting attendance.

**Evaluation Team Response 5 [State Water Board]:**

The provided training documentation is sufficient. With the next Progress Report and with each subsequent Progress Report until considered corrected, the State Water Board will review five UST submittals accepted by the CUPA in CERS, subsequent to UST inspection staff receiving training.

**Note: An update for Progress Report 6 is not necessary for the CUPA.**

---

**11. DEFICIENCY: CORRECTED**

The CUPA is not inspecting each Aboveground Petroleum Storage Act (APSA) tank facility that stores 10,000 gallons or more of petroleum for compliance with the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements of the APSA at least once every three years.

Review of facility files, CERS CME information, and information provided by the CUPA indicates:

- 21 of 46 (46%) tank facilities that store 10,000 gallons or more of petroleum have not been inspected in the last three years, including three tank facilities that have never been inspected.

**CITATION:**

HSC, Chapter 6.67, Section 25270.5(a)  
[OSFM]

**CORRECTIVE ACTION: COMPLETED**

By the 1<sup>st</sup> Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each APSA tank facility that stores 10,000 gallons or more of petroleum is inspected at least once every three years for compliance with the SPCC Plan requirements of APSA. The action plan will include at minimum:

- An analysis and explanation as to why the inspection frequency requirement for the APSA program is not being met. Existing inspection staff resources and how many facilities are scheduled to be inspected each year are factors to address in the explanation.



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- A sortable spreadsheet exported from the local data management system or CERS, identifying each APSA tank facility storing 10,000 gallons or more of petroleum that was not inspected in the last three years. For each tank facility listed, the spreadsheet will include, at a minimum:
  - Facility name,
  - CERS ID,
  - Category of tank facility (such as 10,000 gallons or more) and
  - Date of the last routine inspection.
- A proposed schedule to inspect those tank facilities, prioritizing the most delinquent inspections to be completed prior to any other APSA inspection based on a risk analysis of all tank facilities with 10,000 gallons or more of petroleum (i.e., large volumes of petroleum, proximity to navigable water).
- Future steps to ensure each tank facility that stores 10,000 gallons or more of petroleum will be inspected at least once every three years.

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet.

By the 7<sup>th</sup> Progress Report, the CUPA will have inspected each APSA tank facility identified on the 1<sup>st</sup> Progress Report spreadsheet at least once every three years.

**CUPA Update 1:** During the past three years the CUPA was deficient with inspecting all APSA facilities storing 10,000 gallons or more of petroleum primarily due to wildfire emergency response, COVID-19 and the unavailability of trained and certified staff to perform the inspections. The Camp Fire occurred on November 8, 2018 which immediately required all environmental health staff to assist with the response to the emergency by assisting with shelters, making 20,000 re-entry kits and staffing re-entry checkpoints. After the immediate response actions were completed, environmental health staff, primarily CUPA staff had to transition to recovery by assisting with the Local Assistance Centers and assisting with creating and implementing the Government and Alternative Debris Removal Programs. Prior to the Camp Fire, the CUPA had four certified APSA inspectors, including the Supervisor and had just hired a new inspector the month prior. The Camp Fire recovery required the Supervisor to become the full time Deputy Incident Commander for debris removal acting as the overall manager of the Alternative Program as well as the county liaison to the Government Program at the Debris Removal Operations Center (DROC). A senior hazardous materials management specialist was assigned the day to day oversight of the Alternative Program and the rest of the CUPA staff was assigned with processing, reviewing and approving over 1,700 Alternative Program work plans and final reports in addition to spending time working at the DROC.

During June of 2019, a new hazardous materials specialist was hired and one senior hazardous material management specialist was allowed to cover the CUPA program, primarily for demand work such as UST construction permits, monitoring well and soil boring applications and consultant file review requests.

From June 2019 to February 2020, most of the CUPA staff was still heavily involved with Camp Fire recovery efforts with exception to the one senior staff who was covering the entire CUPA program. Then during early April 2020, in person inspections for inspectors were halted due to COVID-19. At this time, the senior inspector who had been managing the day to day operations of the Alternative Program became the full time COVID-19 health and safety officer for Public Health. Then in September 2020, Butte County was struck by another wildfire disaster, the North

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

Complex Fire where all staff were dedicated to response and recovery efforts. Additionally, one Senior Haz Mat specialist was promoted to Land Use Program Manager during this time.

On a positive note, the two newer haz mat specialists became certified APSA inspectors during 2020 and an additional haz mat specialist was hired. The certified inspectors are now trained and will be performing APSA inspections and the newest haz mat specialist will take the APSA certification exam in January 2022.

Included with the submittal is a spreadsheet identifying each APSA facility storing 10,000 gallons or more petroleum that have not been inspected in the past three years, including a proposed schedule to perform the inspections. Additionally, submitted is an action plan to track and plan inspections on a quarterly basis to identify upcoming or any late inspections that need to be prioritized in the future.

Since the CUPA is close to having a fully trained staff, the CUPA anticipates that these facilities will be inspected every three years provided that unforeseen circumstances such as staffing issues, additional COVID-19 protocols or disaster response prevent it.

**Evaluation Team Response 1 [OSFM]:** The provided action plan ensures all APSA tank facilities storing 10,000 gallons or more of petroleum are inspected at least once every three years. The spreadsheet provided identifies each APSA tank facility that has not been inspected in the last three years.

A CERS CME report generated on January 7, 2022, indicates:

- 19 of 46 (41%) APSA tank facilities storing 10,000 gallons or more have not been inspected in the last three years.

With the next Progress Report, provide an updated spreadsheet.

**CUPA Update 2:**

Submitted is an updated spreadsheet.

**Evaluation Team Response 2 [OSFM]:**

The CUPA provided an updated spreadsheet. A CERS CME report generated on April 24, 2022, indicates:

- 6 of 46 (13%) APSA tank facilities storing 10,000 gallons or more have not been inspected in the last three years.

This deficiency is considered corrected.

---

**12. DEFICIENCY: CORRECTED**

The CUPA is not consistently ensuring APSA tank facilities annually submit a Hazardous Materials Business Plan (HMBP) to CERS, when an HMBP is provided in lieu of a tank facility statement.

Review of HMBP submittals to CERS in lieu of tank facility statement submittals indicates:

- 59 of 185 (32%) tank facilities have not submitted a chemical inventory and site map within the past 12 months.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- 62 of 185 (34%) tank facilities have not submitted an emergency response and employee training plans within the past 12 months.

**CITATION:**

HSC, Chapter 6.67, Section 25270.6(a)  
[OSFM]

**CORRECTIVE ACTION: COMPLETED**

By the 2<sup>nd</sup> Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure that HMBPs provided in lieu of a tank facility statement are annually submitted to CERS.

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a spreadsheet obtained from the local data management system or CERS, that includes at a minimum the following information for each APSA tank facility that did not comply with the annual HMBP submittal when an HMBP is provided in lieu of a tank facility statement to CERS:

- Facility name;
- CERS ID; and
- A narrative of the appropriate enforcement taken by the CUPA.

By the 4<sup>th</sup> Progress Report, the CUPA will ensure each APSA tank facility has annually submitted an HMBP to CERS when an HMBP is provided in lieu of a tank facility statement, or the CUPA has taken appropriate enforcement.

**Evaluation Team Response 1 [OSFM]:** The CUPA was not requested to provide an update in the 1<sup>st</sup> Progress Report.

A CERS CME report generated on January 7, 2022, indicates:

- 46 of 185 (25%) tank facilities have not submitted a chemical inventory and site map within the past 12 months.
- 47 of 185 (25%) tank facilities have not submitted an emergency response and employee training plans within the past 12 months.

With the next Progress Report, develop, implement and provide an action plan to ensure that HMBPs provided in lieu of a tank facility statement are annually submitted to CERS.

With the next Progress Report, and with each subsequent Progress Report until considered corrected, provide a spreadsheet obtained from the local data management system or CERS, that includes at a minimum the following information for each APSA tank facility that did not comply with the annual HMBP submittal when an HMBP is provided in lieu of a tank facility statement to CERS:

- Facility name;
- CERS ID; and
- A narrative of the appropriate enforcement taken by the CUPA.

**CUPA Update 2:**

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

Submitted is an APSA CERS Submittal Action Plan as well as a spreadsheet documenting facilities that store greater than 10,000 gallons of petroleum and have not submitted either the Inventory or Emergency Response components of the HMRRP within the past year. The CUPA will be sending out Notice to Comply or Notice of Violations during the 3<sup>rd</sup> reporting period.

**Evaluation Team Response 2 [OSFM]:**

The CUPA provided an adequate action plan and a spreadsheet. A CERS CME report generated on April 24, 2022, indicates:

- 32 of 185 (17%) tank facilities have not submitted a chemical inventory and site map within the past 12 months.
- 31 of 185 (17%) tank facilities have not submitted an emergency response and employee training plans within the past 12 months.

This deficiency is considered corrected.

---

**13. DEFICIENCY:**

The CUPA is not certifying to Cal OES every three years that a complete review of the area plan has been conducted and any necessary revisions have been made.

- The last update of the area plan was January, 2017.
- The last certification to Cal OES was January, 2017.

**CITATION:**

HSC, Chapter 6.95, Section 25503(d)(2)  
[CalEPA/Cal OES]

**CORRECTIVE ACTION:**

By the 6<sup>th</sup> Progress Report, the CUPA will certify to Cal OES that a complete review of the area plan has been conducted and any necessary revisions have been made. The CUPA will provide CalEPA with a copy of the reviewed and revised area plan.

**Evaluation Team Response 1 [CalEPA]:** Not Applicable- The corrective action begins with the 6<sup>th</sup> Progress Report.

**CUPA Update 2:**

The CUPA will continue to review and revise, if necessary, the area plan and provide a certification and copy for review by the 6<sup>th</sup> Progress Report.

**Evaluation Team Response 2 [CalEPA]:**

CalEPA looks forward to the CUPA's future progress report.

**CUPA Update 3:**

The CUPA will continue to review and revise, if necessary, the area plan and provide a certification and copy for review by the 6<sup>th</sup> Progress Report.

**Evaluation Team Response 3 [CalEPA]:**

CalEPA looks forward to receiving the area plan with Progress Report 6.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**CUPA Update 4:**

The CUPA will continue to review and revise, if necessary, the area plan and provide a certification and copy for review by the 6<sup>th</sup> Progress Report.

**Evaluation Team Response 4 [CalEPA]:**

CalEPA acknowledges the intent of the CUPA to provide the area plan with Progress Report 6.

**CUPA Update 5:**

The CUPA will continue to review and revise, if necessary, the area plan and provide a certification and copy for review by the 6<sup>th</sup> Progress Report.

**Evaluation Team Response 5 [CalEPA]:**

With the next Progress Report, provide:

- certification to CalEPA that a complete review of the area plan has been conducted and any necessary revisions have been made; and
  - a copy of the reviewed and revised area plan.
- 

**14. DEFICIENCY: CORRECTED**

The CUPA is not inspecting each facility subject to Business Plan requirements at least once every three years.

Review of facility files, inspection, violation and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS), and additional information provided by the CUPA indicates:

- 554 of 948 (58%) Business Plan (HMBP) facilities were not inspected within the last three years.

Note: From March 2018 through March 2019, the CUPA performed 311 business plan inspections, which put them on track to have 98% of their inspections done over three years. The disastrous Camp Fire started in November of 2018, heavily impacting Butte County from that time to the present. From March 2019 through March 2020, the CUPA performed 66 business plan inspections, in spite of the heavy cost of the Camp Fire. By March 2020, the COVID pandemic was in full swing, in addition to the recovery effort from the Camp Fire. Because of these double disasters, the CUPA was only able to perform 17 business plan inspections between March 2020 and March 2021.

**CITATION:**

HSC, Chapter 6.95, Section 25511(b)  
[CalEPA/Cal OES]

**CORRECTIVE ACTION: COMPLETED**

By the 2<sup>nd</sup> Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each facility subject to HMBP requirements is inspected at least once every three years. The action plan will include, at minimum:



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- A spreadsheet exported from the CUPA's data management system or CERS, containing only HMBP facilities that have not been inspected within the last three years. For each facility listed, the spreadsheet will include, at minimum:
  - Facility name;
  - CERS ID;
  - date of the last inspection
- A proposed schedule to inspect those HMBP facilities based on risk, prioritizing the most delinquent inspections.
- Future steps to ensure that all HMBP facilities will be inspected at least once every three years.

By the 3<sup>rd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet demonstrating the number of HMBP facility inspections that have been conducted during the previous three months.

By the 8<sup>th</sup> Progress Report, the CUPA will have inspected each HMBP facility at least once in the last three years.

**Evaluation Team Response 1 [CalEPA]:** Not Applicable- The corrective action begins with the 2<sup>nd</sup> Progress Report.

**CUPA Update 2:**

Submitted is a HMBP Inspection Frequency Action Plan as well as a spreadsheet exported from CERS that contains facilities that have not been inspected within the past three years, including new facilities that have submitted in CERS, and a proposed estimated inspection schedule. Please note that the inspection schedule mixes both overdue inspections and new facility inspections and also groups companies that have many facilities together for efficiency of inspections as well as trying to coordinate inspection schedules with APSA facilities that store greater than 10,000 gallons of petroleum.

**Evaluation Team Response 2 [CalEPA]:**

The spreadsheet containing the inspections within the past three years and proposed inspection schedule are acceptable. Upon review of the "HMBP Inspection Frequency Action Plan," provided, CalEPA cautions that there may be HMBP facilities unaccounted for in utilizing the methods of data extraction from CERS and analysis of that data to ensure each facility subject to HMBP requirements is inspected at least once every three years. If desired, the CUPA may contact CalEPA to discuss how the methods of data extraction from CERS and analysis of that data can be improved within the "HMBP Inspection Frequency Action Plan."

With the next Progress Report, provide an updated spreadsheet and future steps to ensure that all HMBP facilities will be inspected at least once every three years.

**CUPA Update 3:**

Submitted is a spreadsheet exported from CERS that contains facilities that have not been inspected within the past three years, including new facilities that have submitted in CERS, and a proposed estimated inspection schedule. Please note that the inspection schedule mixes both overdue inspections and new facility inspections and also groups companies that have many facilities together for efficiency of inspections as well as trying to coordinate inspection schedules.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**Evaluation Team Response 3 [CalEPA]:**

Though an updated spreadsheet was provided, future steps to ensure that all HMBP facilities will be inspected at least once every three years has not been addressed as part of the action plan. Review of the spreadsheet provided from CERS finds the CUPA is making progress towards the correction of this deficiency.

With the next Progress Report, provide an updated spreadsheet and future steps to ensure that all HMBP facilities will be inspected at least once every three years.

**CUPA Update 4:**

Submitted is a spreadsheet exported from CERS that contains facilities that have not been inspected within the past three years, including new facilities that have submitted in CERS, and a proposed estimated inspection schedule. Please note that the inspection schedule mixes both overdue inspections and new facility inspections and also groups companies that have many facilities together for efficiency of inspections as well as trying to coordinate inspection schedules.

Although the CUPA is currently behind the required the HMBP inspection frequency, this was a result of the Camp Fire, Covid-19 and then the North Complex Fire. As stated in the Deficiency, the CUPA was within 98% of all facilities being inspected within the required timeframe prior to the Camp Fire. However, as a result of catching up and the implementation of the new Accela database, the CUPA has implemented the following tracking process to keep the program on track with catching up on inspections and staying caught up on inspections.

The CUPA is currently keeping an updated inspection spreadsheets for all programs which are based on the inspection schedule submitted to the BDO's for the respective programs. Facilities are assigned to inspectors on a quarterly basis, primarily based on the schedule provided, and will continue for facilities that are due in the future after the CUPA has caught up on the HMBP inspection frequency. Inspectors include the date that they performed the inspection on this spreadsheet and on a weekly basis a QAQC is performed on this spreadsheet after inspection data has been uploaded into CERS. As with any new database, there can be issues with complicated processes and occasionally an inspection will not get uploaded into CERS. When these issues are identified, they are corrected and CERS is checked to make sure the inspection has been uploaded. This spreadsheet also allows the Program Manager evaluate progress on completing assigned inspections and to remove any facilities that have closed or no longer store reportable quantities based on the inspections. Furthermore, on a quarterly basis, the CUPA does a QAQC on these spreadsheets using CERS reports for any new facilities that have submitted in CERS, added or removed a program or closed so that the spreadsheet matches what is in CERS.

This procedure has been effective in tracking, scheduling inspections and catching up on overdue HMBP inspections. It should be noted, that since the CUPA was able to really focus on inspections since the beginning of 2022, the CUPA has completed 505 overdue HMBP inspections which is approximately 54% of the HMBP inventory. This was performed while completing all overdue inspections for CalARP, RCRA LQG, Tiered Permit and APSA facilities storing greater than 10,000 gallons and implementing and learning a new database system.

**Evaluation Team Response 4 [CalEPA]:**

Review of the spreadsheet provided by the CUPA finds 347 of 938 (37%) Business Plan facilities were not inspected within the last three years. Review of CERS CME information, between

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

January 1, 2020, and December 31, 2022, finds 395 of 936 (42%) Business Plan facilities were not inspected within the last three years. Progress has been made toward the correction of this deficiency. With the next Progress Report, provide an updated spreadsheet.

**CUPA Update 5:**

Submitted is an updated spreadsheet that contains HMRRP facilities that have not been inspected within the past three years, including new facilities that have submitted in CERS, and a proposed estimated inspection schedule. Based on the spreadsheet, approximately 5% of HMRRP facilities have not been inspected within the past three years.

**Evaluation Team Response 5 [CalEPA]:**

Review of the spreadsheet provided by the CUPA finds 44 of 940 (5%) Business Plan facilities were not inspected within the last three years. Review of CERS CME information, between September 1, 2020, and August 31, 2023, finds 3 of 942 (<1%) Business Plan facilities were not inspected within the last three years. This deficiency is considered corrected.

---

**15. DEFICIENCY: CORRECTED**

The CUPA is not inspecting each facility subject to the California Accidental Release Prevention (CalARP) Program requirements at least once every three years.

Review of facility files, inspection, violation and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS), and additional information provided by the CUPA indicates:

- 2 of 9 (22%) CalARP facilities were not inspected within the last three years.

Note: All of the current CalARP inspections were performed in 2018. Due to the Camp Fire and the COVID pandemic, no inspections were performed since 2018.

**CITATION:**

HSC, Chapter 6.95, Section 25537(a), CCR, Title 19, Section 2775.3  
[CalEPA/Cal OES]

**CORRECTIVE ACTION: COMPLETED**

By the 2<sup>nd</sup> Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each facility subject to CalARP requirements is inspected at least once every three years. The action plan will include, at minimum:

- A spreadsheet exported from the CUPA's data management system or CERS, containing only CalARP facilities that have not been inspected within the last three years. For each facility listed, the spreadsheet will include, at minimum:
  - Facility name;
  - CERS ID;
  - date of the last inspection
- A proposed schedule to inspect those CalARP facilities based on risk, prioritizing the most delinquent inspections.
- Future steps to ensure that all CalARP facilities will be inspected at least once every three years.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

By the 3<sup>rd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet demonstrating the number of CalARP facility inspections that have been conducted during the previous three months.

By the 5<sup>th</sup> Progress Report, the CUPA will have inspected each CalARP facility at least once in the last three years.

**Evaluation Team Response 1 [CalEPA]:** Not Applicable- The corrective action begins with the 2<sup>nd</sup> Progress Report.

**CUPA Update 2:**

Submitted is a CalARP Inspection Frequency Action Plan as well as a spreadsheet exported from CERS that contains facilities that have not been inspected within the past three years. The CUPA prioritized CalARP inspections during this reporting period and currently has one CalARP facility remaining to be inspected. This facility will be inspected during the 3<sup>rd</sup> reporting period.

**Evaluation Team Response 2 [CalEPA]:**

The spreadsheet containing CalARP facilities that have not been inspected is acceptable. Upon review of the "CalARP Inspection Frequency Action Plan," provided, CalEPA cautions that there may be CalARP facilities unaccounted for in utilizing the methods of data extraction from CERS and analysis of that data to ensure each facility subject to CalARP requirements is inspected at least once every three years. If desired, the CUPA may contact CalEPA to discuss how the methods of data extraction from CERS and analysis of that data can be improved within the "CalARP Inspection Frequency Action Plan."

With the next Progress Report, provide an updated spreadsheet and future steps to ensure that all CalARP facilities will be inspected at least once every three years.

**CUPA Update 3:**

Submitted is spreadsheet exported from CERS that contains the most recent routine inspection dates for CalARP facilities. Currently, all CalARP facilities have been inspected within the past three years.

**Evaluation Team Response 3 [CalEPA]:**

The spreadsheet provided from CERS finds that all CalARP facilities within the jurisdiction of the CUPA have been inspected within the last three years. This deficiency is considered corrected.

---

**16. DEFICIENCY: CORRECTED**

The CUPA is not ensuring that each facility subject to the California Accidental Release Prevention (CalARP) Program requirements is updating its Risk Management Plan (RMP) every five years.

Review of facility files, information from the California Environmental Reporting System (CERS), and additional information provided by the CUPA indicates:

- 6 of 9 (67%) CalARP facilities have not updated their RMP in the past five years.

**CITATION:**

CCR, Title 19, section 2745.10(a)(1)

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

[CalEPA/Cal OES]

**CORRECTIVE ACTION: COMPLETED**

By the 2<sup>nd</sup> Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each facility subject to CalARP requirements reviews and updates its RMP every five years. The action plan will include, at minimum:

- A spreadsheet exported from the CUPA's data management system or CERS, containing only CalARP facilities that have not updated their RMP within the last five years. For each facility listed, the spreadsheet will include, at minimum:
  - Facility name;
  - CERS ID;
  - date of the last RMP update

By the 3<sup>rd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet demonstrating the number of updated RMPs received all during the previous three months.

By the 7<sup>th</sup> Progress Report, all of the CUPAs CalARP facilities will have current RMPs.

**Evaluation Team Response 1 [CalEPA]:** Not Applicable- The corrective action begins with the 2<sup>nd</sup> Progress Report.

**CUPA Update 2:**

Submitted is a CalARP RMP Update Action Plan as well as a spreadsheet exported from CERS that contains facilities that have not submitted an updated RMP in the past five years. The CUPA prioritized CalARP inspections during this reporting period and currently has one CalARP facility that has not submitted a current copy of their RMP. The CUPA has reached out to this facility and has requested the most recent RMP so we should be receiving it soon. In addition, this facility will be inspected during the 3<sup>rd</sup> reporting period.

**Evaluation Team Response 2 [CalEPA]:**

The action plan and spreadsheet containing the updated RMP submittal date has been received. CalEPA accepts the spreadsheet and action plan. CalEPA looks forward to hearing the CUPA's future progress. In the next progress report, provide an updated spreadsheet.

**CUPA Update 3:**

Submitted is spreadsheet exported from CERS that contains the most recent RMP dates for CalARP facilities. One CalARP facility has not submitted a recently revised RMP. This facility was inspected in June and provided a Notice of Violation for failure to complete a 5-year RMP review. A revised RMP is expected to be submitted in early October 2022.

**Evaluation Team Response 3 [CalEPA]:**

Review of the spreadsheet provided from CERS finds the CUPA is making progress towards the correction of this deficiency. With the next Progress Report, provide an updated spreadsheet and a narrative describing the progress of compliance or further enforcement applied regarding the one CalARP facility that has yet to submit a revised RMP.

**CUPA Update 4:**



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

Submitted is spreadsheet exported from CERS that contains the most recent RMP dates for CalARP facilities. The one CalARP facility which had not submitted a recently revised RMP, submitted one on October 21, 2022.

**Evaluation Team Response 4 [CalEPA]:**

The remaining CalARP facility that had not submitted an updated RMP in the past five years has submitted one on October 21, 2022. This deficiency is considered corrected. No further action is required.

---

**17. DEFICIENCY: CORRECTED**

The CUPA is not ensuring that all businesses subject to the business plan program maintain a business plan in the statewide information management system (CERS).

Review of facility files, information from the California Environmental Reporting System (CERS), and additional information provided by the CUPA indicates:

- 278 of 948 (29%) business plan facilities have not submitted inventories or no-change certifications within the past year.
- 287 of 948 (30%) business plan facilities have not submitted emergency response and training plans or no-change certifications within the past year.

**CITATION:**

HSC, Chapter 6.95, Section 25505  
HSC, Chapter 6.95, Section 25508(a)  
[CalEPA/Cal OES]

**CORRECTIVE ACTION: COMPLETED**

By the 2<sup>nd</sup> Progress Report, the CUPA will develop and provide CalEPA with an action plan to ensure that all handlers have annually submitted a complete hazardous materials business plan.

By the 4<sup>th</sup> Progress Report, the CUPA will follow-up with each handler identified in the action plan, to ensure the handler submits a complete hazardous materials business plan or the CUPA will initiate appropriate enforcement actions.

**Evaluation Team Response 1 [CalEPA]:** Not Applicable- The corrective action begins with the 2<sup>nd</sup> Progress Report.

**CUPA Update 2:**

Submitted is an HMBP CERS Submittal Action Plan. The CUPA will be sending out Notice to Comply or Notice of Violations during the 3<sup>rd</sup> reporting period. The CUPA is currently transferring to Accela from EnvisionConnect and are exploring creating a script to automatically generate these notices when we transition in July. Until then we will generate the notices one at a time using a template.

**Evaluation Team Response 2 [CalEPA]:**

Upon review of the "HMBP CERS Submittal Action Plan," provided, CalEPA cautions that there may be HMBP facilities unaccounted for in utilizing the methods of data extraction from CERS and analysis of that data to identify handlers that have and have not annually submitted a complete HMBP. If desired, the CUPA may contact CalEPA to discuss how the methods of data

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

extraction from CERS and analysis of that data can be improved within the “HMBP CERS Submittal Action Plan.”

CalEPA looks forward to hearing an update from the CUPA with the 4<sup>th</sup> Progress Report.

**CUPA Update 3:**

A CUPA Bulletin, which included a reminder for all HMBP facilities to submit their annual HMBP in CERS, was sent to all facilities with the annual CUPA billing in early July. Additionally, notices were sent to facilities that have not submitted a complete HMBP annually at the end of July. This was fairly effective as the number of outstanding facilities that have not submitted an annual complete HMBP was reduced by nearly 50%. Submitted is a spreadsheet that includes facilities that have not submitted a complete HMBP annually which is currently approximately 12% of all facilities required to submit an HMBP. The CUPA plans to send out additional notices during late October 2022.

**Evaluation Team Response 3 [CalEPA]:**

The CUPA’s efforts in addressing this deficiency by targeting facilities with reminders and notices is appreciated. As of October 24, 2022, review of CERS information finds 11% of chemical inventory and emergency response and training plans have not been submitted to CERS, which aligns with the progress reported by the CUPA. With the next Progress Report, provide an update on the follow-up with each handler identified in the action plan, ensuring a complete hazardous materials business plan is submitted, or an update on the applied enforcement for those facilities that have not complied.

**CUPA Update 4:**

The CUPA planned to submit notices during late October 2022 but due to the new Accela database not being able to produce bulk notices and other extenuating factors, these notices were not able to be sent out. Therefore, the CUPA has developed a new strategy to notify and assist facilities that their annual HMBP submittal is overdue or due shortly. A report is generated in CERS which is sorted to identify both late and upcoming HMBP overdue submittals. Using this list e-mails are sent to the facilities environmental contact which are overdue as a Notice to Comply and a Courtesy Notice for those facilities whose annual submittals are due the following month. A trial was established with e-mails sent out in January 2023 for overdue facilities and Courtesy Notices sent to facilities whose annual submittal as due in February, March and April. This facilitated a lot of phone call and e-mail correspondence which allowed inspectors to assist those facilities that need help and remind facilities when their annual HMBP submittal was due. This process, along with facility inspections has helped facilities return to compliance or remain in compliance. Going forward, the CUPA plans to send these notices on a monthly basis.

Submitted is a spreadsheet that includes facilities that have not submitted a complete HMBP annually which is currently approximately 9.8% of all facilities required to submit an HMBP.

**Evaluation Team Response 4 [CalEPA]:**

Review of CERS HMBP submittals on April 5, 2023 finds:

- 44 of 936 (5%) business plan facilities have not submitted inventories or no-change certifications within the past year.
- 49 of 936 (5%) business plan facilities have not submitted emergency response and training plans or no-change certifications within the past year.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

This deficiency is considered corrected. No further action is required.

---

**18. DEFICIENCY: CORRECTED**

The CUPA is not properly classifying Hazardous Waste Program violations.

Review of facility files and inspection, violation and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS) for the period of January 1, 2018 to December 31, 2020, indicates the CUPA is classifying Class I or Class II Hazardous Waste Program violations as minor violations in the following instances:

- Violation for exceedance of authorized accumulation time (CCR, Title 22, Section 66262.34) 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 described in Health and Safety Code, Section 25404(a)(3).
  - CERS ID 10276339: November 5, 2019
  - CERS ID 10277326: June 12, 2018
  - CERS ID 10600192: June 4, 2018
  - CERS data indicates 24 of 32 (75%) violations cited between January 2018 through December 2020, for exceedance of accumulation timeframe were classified as minor.

Note: This deficiency was identified in the 2017 evaluation and corrected for that evaluation period.

**CITATION:**

HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6

HSC, Chapter 6.11, Sections 25404(a)(3)

CCR, Title 22, Section 66260.10

CCR, Title 27, Section 15200(a) and (e)

[DTSC]

**CORRECTIVE ACTION: COMPLETED**

The CUPA will ensure that future citations of Unified Program violations are classified correctly.

By the 1<sup>st</sup> Progress Report, the CUPA will train inspection staff on the definitions 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

The CUPA will train inspection staff on how to properly classify Hazardous Waste Program violations during inspections and ensure inspection staff review the following:

- Violation Classification Training Video 2014  
<https://www.youtube.com/watch?v=RB-5V6RfPH8>
- 2020 Violation Classification Guidance for Unified Program Agencies

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Documents-accessible.pdf>

The CUPA will provide CalEPA with training documentation, which at a minimum will include, an outline of the training conducted and a list of CUPA inspection staff in attendance.

By the 2<sup>nd</sup> Progress Report, and with each subsequent progress report until considered corrected, the CUPA will provide CalEPA with three inspection reports citing at least two Hazardous Waste Program violations, as requested by DTSC, that have been inspected after training has been completed and within the last three months. Each inspection report will contain observations, factual basis, and corrective actions to correctly identify and classify each observed Hazardous Waste Program violation.

Note: The following additional HWG inspection, accumulation and generator requirement training resources are available to assist in training CUPA inspectors:

- [Advanced Hazardous Waste Inspector Training Video 2016 \(1 of 2\)](https://www.youtube.com/watch?v=Ign3TJftSUM)  
<https://www.youtube.com/watch?v=Ign3TJftSUM>
- [Advanced Hazardous Waste Inspector Training Video 2012 \(5 of 7\): Tanks and Sumps](https://www.youtube.com/watch?v=oCrI3MvTd8M)  
<https://www.youtube.com/watch?v=oCrI3MvTd8M>
- [Generator Requirements Fact Sheet](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_Generator_Requirements.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM\\_FS\\_Generator\\_Requirements.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_Generator_Requirements.pdf)
- [Accumulation Time Fact Sheet](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS\\_OAD\\_Accumulation.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf)
- [Universal Waste](https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW_Factsheet1.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW\\_Factsheet1.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2016/01/UW_Factsheet1.pdf)
- [Managing Used Oil Filters for Generators](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG_Used-Oil-Filters_Generators1.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG\\_Used-Oil-Filters\\_Generators1.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/RAG_Used-Oil-Filters_Generators1.pdf)
- [Management of Spent Lead Acid Batteries](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_DutyOfficer_LeadAcidBatteries1.pdf)  
[https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS\\_DutyOfficer\\_LeadAcidBatteries1.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_DutyOfficer_LeadAcidBatteries1.pdf)
- Generator Summary Chart  
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/05/California-Generator-Chart.pdf> and  
[https://www.acgov.org/forms/aceh/Generator\\_Requirements\\_Summary\\_Chart.pdf](https://www.acgov.org/forms/aceh/Generator_Requirements_Summary_Chart.pdf)

**CUPA Update 1:** Submitted are Violation Classification training documentation for all CUPA staff.

**Evaluation Team Response 1 [DTSC]:** The training agenda and sign-in sheet are acceptable.

With the next Progress Report, provide the HWG inspection report for the following HWG facilities:

- CERS ID 10277176,
- CERS ID 10277731, and
- CERS ID 10276750.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**CUPA Update 2:**

Submitted are the inspection reports for the three facilities requested.

**Evaluation Team Response 2 [DTSC]:**

Review of the provided inspection reports finds them acceptable.

This deficiency is considered corrected.

---

**19. DEFICIENCY:**

The CUPA is not inspecting each Hazardous Waste Generator (HWG) facility once every three years, per the inspection frequency established in the I&E Plan.

Review of facility files, inspection, violation and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS), and additional information provided by the CUPA finds for the period of January 1, 2018 to December 31, 2020:

- 453 of 738 (61%) HWG facilities were not inspected once every three years.
  - All 4 HHW facilities are overdue for inspection.
  - 11 of 15 RCRA Large Quantity Generators are overdue for inspection.

Note: This deficiency was carried over from the 2017 evaluation period.

**CITATION:**

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

[DTSC]

**CORRECTIVE ACTION:**

By the 1<sup>st</sup> Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each HWG facility is inspected per the inspection frequency established in the I&E Plan. The action plan will include, at a minimum:

- An analysis and explanation as to why the inspection frequency for the HWG program is not being met. Factors to consider include existing inspection staff resources and how many facilities each inspector is scheduled to conduct each year.
- A spreadsheet exported from the CUPA's data management system or CERS, identifying each HWG facility that has not been inspected once every three years for each HWG facility listed, the spreadsheet will include, at a minimum:
  - Facility name,
  - CERS ID,
  - date of the last routine inspection.
- A schedule to inspect those HWG facilities, prioritizing the most delinquent inspections to be completed prior to any other HWG inspection.
- Future steps to ensure that all HWG facilities will be inspected once every three years.

By the 2<sup>nd</sup> Progress Report, the CUPA will, if necessary, revise the action plan and amend the revised I&E Plan, based on feedback from DTSC. The CUPA will provide the revised action plan and amended I&E Plan to CalEPA.



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet to demonstrate the number of HWG facility inspections that have been conducted during the previous three months.

By the 8<sup>th</sup> Progress Report, the CUPA will have inspected each HWG facility once every three years.

**CUPA Update 1:** During the past three years the CUPA was deficient with inspecting all hazardous waste generator facilities due to wildfire emergency response, COVID--19 and the unavailability of trained staff to perform the inspections. The Camp Fire occurred on November 8, 2018 which immediately required all environmental health staff to assist with the response to the emergency by assisting with shelters, making 20,000 re-entry kits and staffing re-entry checkpoints. After the immediate response actions were completed, environmental health staff, primarily CUPA staff had to transition to recovery by assisting with the Local Assistance Centers and assisting with creating and implementing the Government and Alternative Debris Removal Programs. Prior to the Camp Fire, the CUPA had four CUPA inspectors, including the Supervisor and had just hired a new inspector the month prior. The Camp Fire recovery required the Supervisor to become the full time Deputy Incident Commander for debris removal acting as the overall manager of the Alternative Program as well as the county liaison to the Government Program at the Debris Removal Operations Center (DROC). A senior hazardous materials management specialist was assigned the day to day oversight of the Alternative Program and the rest of the CUPA staff was assigned with processing, reviewing and approving over 1,700 Alternative Program work plans and final reports in addition to spending time working at the DROC.

During June of 2019, a new hazardous materials specialist was hired and one senior hazardous material management specialist was allowed to cover the CUPA program, primarily for demand work such as UST construction permits, monitoring well and soil boring applications and consultant file review requests.

From June 2019 to February 2020, most of the CUPA staff was still heavily involved with Camp Fire recovery efforts with exception to the one senior staff who was covering the entire CUPA program. Then during early April 2020, in person inspections for inspectors were halted due to COVID-19. At this time, the senior inspector who had been managing the day to day operations of the Alternative Program became the full time COVID-19 health and safety officer for Public Health. Then in September 2020, Butte County was struck by another wildfire disaster, the North Complex Fire where all staff were dedicated to response and recovery efforts. Additionally, one Senior Haz Mat specialist was promoted to Land Use Program Manger during this time. On a positive note, the two newer haz mat specialists became trained for hazardous waste inspections during 2021 and an additional haz mat specialist was hired. The newer inspectors are now trained and performing hazardous waste generator inspections and the newest haz mat specialist is beginning to perform solo, simple inspections.

Included with the submittal is a spreadsheet identifying each hazardous waste generator facility that have not been inspected in the past three years and a proposed schedule to perform the inspections. There are three tabs on the spreadsheet; hazardous waste generators that also have Hazardous Materials Business Plans which are required to be inspected every three years, RCRA Large Quantity Generators required to be inspected every three years and facilities that only generate less than 100-kg of hazardous waste or only generate silver only hazardous waste.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

Included in the spreadsheets are those facilities that do not have inspection data in CERS. Many of these facilities have been inspected but for some reason the inspections were not put into our Envision Connect database for upload into CERS. These inspections were performed prior to three years ago so they will be prioritized. Some of the other facilities that do not have CERS inspection data are facilities that have opened up within the past three years and have not been inspected. Additionally, submitted is an action plan to track and plan inspections on a quarterly basis to identify upcoming or any late inspections that need to be prioritized in the future.

Since the CUPA is close to having a fully trained staff, the CUPA anticipates that these facilities will be inspected every three years provided that unforeseen circumstances such as staffing issues, additional COVID-19 protocols or disaster response prevent it.

**Evaluation Team Response 1 [DTSC]:** DTSC has reviewed the action plan and concurs with the proposed path forward. The action plan provides a clear course of action and inspection schedule.

With the next Progress Report, provide an updated spreadsheet identifying each HWG facility that has not been inspected once every three years.

**CUPA Update 2:**

Submitted is an updated spreadsheet with separate tabs for HW Generators, RCRA LQG and VSQG/Silver Only Generators. Please note that our priorities for the 2<sup>nd</sup> reporting period were RCRA LQG and some of our larger, higher risk facilities. In addition, the CUPA trained a new inspector for different hazardous waste industries, so we should be able to increase our inspection frequency in the future. Additionally, the inspection schedule also coordinates HW Generator inspections with HMBP inspections scheduled during the same inspection period.

**Evaluation Team Response 2 [DTSC]:**

DTSC acknowledges the CUPA's efforts in doing well and prioritizing inspections of higher risk facilities, including RCRA LQG facilities, HHW facilities, and 4 of 7 (57%) Tiered permit facilities. With the additional trained staff, the inspection rate should improve even more for the remaining HWG facilities that have not been inspected within the last three years. It is the intent of this corrective action to enable the CUPA to attain meeting the inspection frequency for HWG facilities as specified in the I&E Plan and continue to do so into the next evaluation.

With the next Progress Report, provide an updated spreadsheet.

**CUPA Update 3:**

Submitted is an updated spreadsheet with separate tabs for HW Generators, RCRA LQG and VSQG or Silver Only Generators. Please note that our priorities for the 3<sup>rd</sup> reporting period were RCRA LQG and some of our larger, higher risk facilities. Currently, all RCRA LQG's have been inspected within the past three years. The inspection schedule also coordinates HW Generator inspections with HMBP inspections scheduled during the same inspection period.

**Evaluation Team Response 3 [DTSC]:**

The effort to address the larger and higher risk facilities is appreciated. As of September 2022, review of CERS information finds that the RCRA LQG and Tiered Permitting facilities have been inspected within the last three years. Based on the spreadsheet provided and CERS information, the CUPA does have a large inventory of HWG facilities to address that are not necessarily

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

considered larger or higher risk. With the next Progress Report, provide an updated spreadsheet.

**CUPA Update 4:**

Submitted is an updated spreadsheet with separate tabs for HW Generators, RCRA LQG and VSQG or Silver Only Generators. Currently, all RCRA LQG's have been inspected within the past three years. The inspection schedule also coordinates HW Generator inspections with HMBP inspections scheduled during the same inspection period.

**Evaluation Team Response 4 [DTSC]:**

Review of the provided spreadsheet and CERS CME information finds 64% of all HWG facilities have been inspected since January 1, 2021. All RCRA LQG and Tiered Permitting facilities have been inspected and 3 of 4 (75%) HHW facilities have been inspected. In conducting the upcoming inspections as scheduled within the provided spreadsheet, the remaining HW SQGs and HW VSQGs will be inspected as anticipated.

Review of the provided spreadsheet finds adjustments may be needed to the upcoming inspection schedule for HW VSQG or Silver Only facilities. Review the spreadsheet tab for HW VSQG or Silver Only in the "Facilities Inspected Within Past Five Years" list to determine if facilities with inspections conducted in 2018 are due for an inspection in order to meet the 5 year inspection frequency.

With the next Progress Report, provide an updated spreadsheet.

**CUPA Update 5:**

Submitted is an updated spreadsheet with separate tabs for HW Generators (3 year inspection requirement) and VSQG or Silver Only Generators (5 year inspection requirement). The inspection schedule also coordinates HW Generator inspections with HMBP inspections scheduled during the same inspection period. Based on the spreadsheets, approximately 6% of HW Generator facilities have not been inspected within the past three years and approximately 18% of VSQG or Silver Only Generators have not been inspected within the past five years.

Regarding the HHW facility that had not been inspected (CERS ID 10276690), the HHW inspection was performed on 3/15/2022. However, the inspection was miscoded as a Conditional Authorized (CA) Tiered Permit Inspection instead of a HHW Inspection. The correct HHW inspection program has been entered into CERS and the CA inspection program has been deleted from CERS for that facility. Therefore, all four HHW facilities are now in CERS as being inspected within the required time frame.

**Evaluation Team Response 5 [DTSC]:**

Review of CERS CME information and the updated spreadsheet provided finds between January 1, 2018, and December 31, 2020:

- 90 of 747 (12%) HWG facilities have not been inspected since January 1, 2018 (or since January 1, 2016, for those HWG facilities subject to inspection every 5 years).
  - 4 of 4 (100%) HHW facilities have been inspected since January 1, 2018.
  - 18 of 18 (100%) RCRA Large Quantity Generators have been inspected since January 1, 2018.

With the next Progress Report, provide an updated spreadsheet.

**20. DEFICIENCY: CORRECTED**

The CUPA is not inspecting each Tiered Permit (TP) facility within the first two years of operations and every three years thereafter.

Review of facility files, inspection, violation and enforcement information, also known as compliance, monitoring, and enforcement (CME) information from the California Environmental Reporting System (CERS), and additional information provided by the CUPA indicates:

- 4 of 4 (100%) TP facilities were not inspected every three years after the initial inspection.
  - CERS ID 10276564 last inspected July 20, 2017
  - CERS ID 10276528 last inspected June 7, 2017
  - CERS ID 10277020 last inspected May 31, 2017
  - CERS ID 10277773 last inspected May 23, 2017

**CITATION:**

HSC, Chapter 6.5, Section 25201.4(b)(2)  
[DTSC]

**CORRECTIVE ACTION: COMPLETED**

By the 1<sup>st</sup> Progress Report, the CUPA will develop, implement and provide CalEPA with an action plan to ensure each TP facility is inspected at least once within the first two years of operation and every three years thereafter. The action plan will include, at a minimum:

- An analysis and explanation as to why the inspection frequency for the TP program is not being met.
- A spreadsheet exported from the CUPA's data management system or CERS, identifying each TP facility that has not been inspected at least once within the first two years of operation and every three years thereafter. For each TP facility listed, the spreadsheet will include, at a minimum:
  - Facility name,
  - CERS ID, and
  - Date of the last routine inspection.
- A schedule to inspect those TP facilities, prioritizing the most delinquent inspections to be completed prior to any other TP inspection based on risk.
- Future steps to ensure that all TP facilities will be inspected at least once within the first two years of operation and every three years thereafter.

By the 2<sup>nd</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet to demonstrate the number of TP facility inspections that have been conducted during the previous three months.

By the 4<sup>th</sup> Progress Report, the CUPA will have inspected each of the four TP facilities at least once within the first two years of operation and every three years thereafter. The CUPA will also provide CalEPA with up to four TP program compliance inspection reports.

**CUPA Update 1:** During the past three years the CUPA was deficient with inspecting all hazardous waste Tiered Permit facilities due to wildfire emergency response, COVID--19 and the unavailability of trained staff to perform the inspections. The Camp Fire occurred on November

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

8, 2018 which immediately required all environmental health staff to assist with the response to the emergency by assisting with shelters, making 20,000 re-entry kits and staffing re-entry checkpoints. After the immediate response actions were completed, environmental health staff, primarily CUPA staff had to transition to recovery by assisting with the Local Assistance Centers and assisting with creating and implementing the Government and Alternative Debris Removal Programs. Prior to the Camp Fire, the CUPA had four CUPA inspectors, including the Supervisor and had just hired a new inspector the month prior. The Camp Fire recovery required the Supervisor to become the full time Deputy Incident Commander for debris removal acting as the overall manager of the Alternative Program as well as the county liaison to the Government Program at the Debris Removal Operations Center (DROC). A senior hazardous materials management specialist was assigned the day to day oversight of the Alternative Program and the rest of the CUPA staff was assigned with processing, reviewing and approving over 1,700 Alternative Program work plans and final reports in addition to spending time working at the DROC.

During June of 2019, a new hazardous materials specialist was hired and one senior hazardous material management specialist was allowed to cover the CUPA program, primarily for demand work such as UST construction permits, monitoring well and soil boring applications and consultant file review requests. From June 2019 to February 2020, most of the CUPA staff was still heavily involved with Camp Fire recovery efforts with exception to the one senior staff who was covering the entire CUPA program. Then during early April 2020, in person inspections for inspectors were halted due to COVID-19. At this time, the senior inspector who had been managing the day to day operations of the Alternative Program became the full time COVID-19 health and safety officer for Public Health. Then in September 2020, Butte County was struck by another wildfire disaster, the North Complex Fire where all staff were dedicated to response and recovery efforts. Additionally, one Senior Haz Mat specialist was promoted to Land Use Program Manager during this time.

On a positive note, the two newer haz mat specialists became trained for hazardous waste inspections during 2021 and an additional haz mat specialist was hired. The newer inspectors are now trained and performing hazardous waste generator inspections and the newest haz mat specialist is beginning to perform solo, simple inspections. The two senior CUPA inspectors will perform these inspections and take new inspectors on these inspections for training.

Included with the submittal is a spreadsheet identifying each hazardous waste Tiered Permit facility that have not been inspected in the past three years and a proposed schedule to perform the inspections based on risk and then inspection date. Additionally, submitted is an action plan to track and plan inspections on a quarterly basis to identify upcoming or any late inspections that need to be prioritized in the future.

Since the CUPA is close to having a fully trained staff, the CUPA anticipates that these facilities will be inspected every three years provided that unforeseen circumstances such as staffing issues, additional COVID-19 protocols or disaster response prevent it.

**Evaluation Team Response 1 [DTSC]:** DTSC has reviewed the action plan and concurs with the proposed path forward. The plan provides a clear course of action and inspection schedule. The CUPA has identified six total on-site treatment facilities. One of the six facilities identified, CERS ID 10277629, was inspected recently, on October 26, 2021.



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

With the next Progress Report, provide an updated spreadsheet identifying each TP facility that has not been inspected at least once within the first two years of operation and every three years thereafter.

**CUPA Update 2:**

Submitted is an updated spreadsheet. The CUPA put a priority on catching up on Tiered Permit facilities and only has three remaining facilities that are overdue.

**Evaluation Team Response 2 [DTSC]:**

CERS indicates there are 7 Tiered Permit facilities within the jurisdiction of the CUPA. As identified in the DTSC response for Deficiency 19, CERS indicates that 4 of 7 (57%) Tiered Permit facilities have been inspected.

With the next Progress Report, provide an updated spreadsheet.

**CUPA Update 3:**

Submitted is an updated spreadsheet. The CUPA currently has six (6) Tiered Permit facilities and four (4) PHHWCF's. Currently all Tiered Permit and PHHWCF's have been inspected within the past three years.

**Evaluation Team Response 3 [DTSC]:**

Review of CERS information finds all Tiered Permit facilities within the jurisdiction of the CUPA have been inspected. This deficiency is considered corrected.

---

**21. DEFICIENCY: CORRECTED**

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 PBR laws and regulations; or,
- Notify the owner/operator that the notification submittal is inaccurate or incomplete.

CERS data finds that 2 of 8 (25%) PBR Onsite Hazardous Waste Treatment Notifications were not reviewed, processed or authorized by the CUPA within 45 days of receipt. Examples include:

- CERS ID 10276564: notification submitted December 21, 2018, and accepted April 21, 2020, and notification submitted February 20, 2020, and accepted April 21, 2020.

Note: This deficiency was identified during the 2017 CUPA Performance Evaluation and corrected during the Evaluation Progress Report Process.

**CITATION:**

CCR, Title 22, Section 67450.3(c)(1) and (d)  
[DTSC]

**CORRECTIVE ACTION: COMPLETED**



CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

By the 3<sup>rd</sup> Progress Report, the CUPA will provide inspectors with Tiered Permit (TP) program training regarding how to accurately review, process and authorize Onsite Hazardous Waste Treatment Notifications within the 45-day review process by either:

- Authorizing operation of the FTU; or,
- Denying authorization of the FTU in accordance with PBR laws and regulations; or,
- Notifying the owner/operator that the notification submittal is inaccurate or incomplete.

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

Note: A TP Program training video is available on the California Certified Unified Program Agency Forum Board website at: <https://www.youtube.com/user/orangetreeweb/videos>. Additional TP program training assistance may also be requested from DTSC.

By the 4<sup>th</sup> Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide an update to CalEPA on the status of the progress made toward accurately reviewing, processing and authorizing each Onsite Hazardous Waste Treatment Notification to ensure annual notification submittals are accurate, correct and represent the actual waste treatment systems used at the notifying facility.

**Evaluation Team Response 1 [DTSC]:** Not Applicable- The corrective action begins with the 3<sup>rd</sup> Progress Report.

Note: The CUPA has one PBR facility, CERS ID10276564.

**CUPA Update 2:**

The CUPA will perform training on Tiered Permit Program training and will reach out to DTSC for additional training during the 3<sup>rd</sup> reporting period.

**Evaluation Team Response 2 [DTSC]:**

The corrective action for this deficiency should also incorporate the development of a procedure addressing how CUPA staff will accurately review, process and authorize Onsite Hazardous Waste Treatment Notifications within the 45-day review process, including checking to see if an annual PBR submittal or a new Tiered Permit application has been submitted to the CUPA subsequent to the initial submission. After the procedure is developed, training of the staff that will review, process and authorize these submittals shall be completed.

Matthew McCarron, [matthew.mccarron@dtsc.ca.gov](mailto:matthew.mccarron@dtsc.ca.gov), may be contacted to obtain additional assistance regarding training.

With the next Progress Report, provide the developed procedure and training documentation, which at a minimum will include an outline of the training conducted and a list of CUPA staff attending the training.

**CUPA Update 3:**

Submitted are the following:

- Tiered Permit CERS Review Policy and Procedure;

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

- Tiered Permit Video Training Documentation for CUPA Staff; and
- CUPA Staff Tiered Permit Training documentation which includes the Tiered Permit CERS Review Policy and Procedure. This training documentation includes a sign-in and agenda.

**Evaluation Team Response 3 [DTSC]:**

The training documentation provided is adequate. If the CUPA has any additional questions when reviewing any part of a Tiered Permit submission, contact Matthew McCarron at [Matthew.Mccarron@dtsc.ca.gov](mailto:Matthew.Mccarron@dtsc.ca.gov). This deficiency is considered corrected.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**1. INCIDENTAL FINDING: RESOLVED**

Required components of the I&E Plan are missing, inaccurate, inconsistent, or incomplete.

The following components are missing:

- Provisions for ensuring the CUPA has sampling capability and ensuring the analysis of any material shall be performed by a state certified laboratory pursuant to HSC, chapter 6.5, section 25198.
  - Note: Sample capabilities are discussed extensively; however, a state certified laboratory is never mentioned either indirectly or by name.

The following components are inconsistent:

- Pages 44 and 65, red tag authority. The provisions of 25292.3 were amended and became effective January 1, 2019. As written, the I&E Plan is not consistent with the provisions of 25292.3 thus, the I&E Plan requires amendment to be consistent with HSC.

Note: This deficiency was identified as an incidental finding and corrected during the 2018 CUPA Performance Evaluation process.

**CITATION:**

HSC, Chapter 6.7, Sections 25292.3 and 25299.3  
CCR, Title 27, Section 15200(a)  
[CalEPA, DTSC, State Water Board]

**RESOLUTION: COMPLETED**

By the 2<sup>nd</sup> Progress Report, the CUPA will provide CalEPA with the revised I&E Plan that adequately incorporates and correctly addresses all required components.

By the 3<sup>rd</sup> Progress Report, if amendments to the revised I&E Plan necessary based on feedback from CalEPA, DTSC, or the State Water Board, the CUPA will provide CalEPA with the amended I&E Plan. If no amendments are necessary, the CUPA will train CUPA personnel and UST inspection staff on the revised I&E Plan. Once training is complete, the CUPA will implement the revised I&E Plan

By the 4<sup>th</sup> Progress Report, if amendments to the revised I&E Plan were necessary, the CUPA will train CUPA personnel and UST inspection staff on the amended I&E Plan. Once training is complete, the CUPA will implement the amended I&E Plan.

**CUPA Update 1:** Since the CUPA revised the Inspection and Enforcement Plan for other deficiencies and observations, the CUPA addressed this Incidental Finding in the first update as opposed to the second update.

Delivery to and analysis of samples to a State Certified laboratory is included on page 22 of the submitted revised Inspection and Enforcement Plan.

Red Tag authority provisions have been updated on Pages 47 and 48 and Page 69 to incorporate the amended Health and Safety Code section.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**Evaluation Team Response 1 [CalEPA, DTSC, State Water Board]:**

**CalEPA:** A review of the revised I&E Plan document shows that a state certified laboratory is now being referenced as part of the CUPA sampling procedure. This incidental finding is considered resolved.

**DTSC:** Review of the updated I&E Plan has been adequately revised to include the requested information for the State Certified laboratory. This incidental finding is considered resolved.

**State Water Board:** Due to extenuating circumstances, the State Water Board is not able to review the revised I&E Plan provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 2:**

Since the State Water Board will review and provide comments on the revised I&E Plan after the second Progress Report, the CUPA will provide an amended I&E Plan, if required, based on feedback from the State Water Board.

**Evaluation Team Response 2 [State Water Board]:**

The revised I&E Plan provided is acceptable as it includes language stating fuel cannot be input or withdrawn from a UST having a red tag affixed.

With the next Progress Report, provide training documentation, which at a minimum, will include an outline of the training conducted on the revised I&E Plan and a list of UST inspection staff in attendance. Once training is complete, the CUPA will implement the revised I&E Plan.

**CUPA Update 3:**

Submitted is documentation for CUPA Staff Inspection and Enforcement Plan Revisions Training which includes the revised information regarding the State Certified Lab as well as Red Tag Authority. This training documentation includes a sign-in and agenda.

**Evaluation Team Response 3 [State Water Board]:**

Due to extenuating circumstances, the State Water Board is not able to review the information provided at this time. The State Water Board will provide a response with the next Progress Report.

**CUPA Update 4:**

The CUPA looks forward to SWRCB's review of the documentation for CUPA Staff Inspection and Enforcement Plan Revisions Training which includes the revised information regarding the State Certified Lab as well as Red Tag Authority submitted for the 3rd Progress Report.

**Evaluation Team Response 4 [State Water Board]:**

The training documentation for CUPA Staff Inspection and Enforcement Plan Revisions documentation is acceptable. This incidental finding is considered resolved. No further action is required.

**CUPA Update 5:**

This incidental finding was considered resolved during the 4<sup>th</sup> Evaluation Team Response but was not noted next to the Incidental Finding at the beginning.

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

**Evaluation Team Response 5 [State Water Board]:**

The EPR template has been updated to accurately reflect the Incidental Finding is considered resolved.

---

**2. INCIDENTAL FINDING: RESOLVED**

The Unified Program Facility Permit (UPFP) does not contain the following required components:

- An addendum documenting permit conditions for each applicable program element.
- The provided CUPA permits do not reflect issuance under a consolidated UPFP template.

**CITATION:**

CCR, Title 27, Section 15190(h)  
[CalEPA]

**RESOLUTION: COMPLETED**

By the 1<sup>st</sup> Progress Report, the CUPA will provide CalEPA with a revised UPFP template that includes all required components. Each permitted program element will reflect permit issuance under a consolidated UPFP template.

By the 2<sup>nd</sup> Progress Report, the CUPA will, if necessary, amend the revised UPFP template, based on feedback from CalEPA, and will provide the amended template to CalEPA. If no amendments are necessary, the CUPA will provide CalEPA with three UPFPs issued to facilities using the revised UPFP template.

**CUPA Update 1:** The CUPA does not have a local ordinance that requires UPFP's for additional programs. Submitted is a UPFP template for Hazardous Waste Tiered Permits and a UST UPFP was submitted for deficiency five.

**Evaluation Team Response 1 [CalEPA]:** The revised UPFP now includes the required addendum documenting permit conditions for each applicable program element and is also being issued under a UPFP template.

With the next Progress Report, provide three UPFPs that have been issued to facilities using the revised UPFP template.

**CUPA Update 2:**

Submitted are three UPFP's that have been issued to facilities using the revised template.

**Evaluation Team Response 2 [CalEPA]:**

A review of the UPFPs provided finds the revised template meeting the requirements of Title 27 was utilized.

This incidental finding is considered resolved.

---

**3. INCIDENTAL FINDING: RESOLVED**

CERTIFIED UNIFIED PROGRAM AGENCY  
**Evaluation Progress Report #5**

The CUPA is not utilizing the current Surcharge Transmittal Report template when submitting Quarterly Surcharge Transmittal Reports 30 days after the end of each fiscal quarter.

**CITATION:**

CCR, Title 27, Section 15250(b)(1) and (2)  
[CalEPA]

**RESOLUTION: COMPLETED.**

By the 1<sup>st</sup> Progress Report, the CUPA will have submitted to CalEPA the 2<sup>nd</sup> quarterly Surcharge Transmittal Report for Fiscal Year 2021/2022 by the required due date using the current template. Thereafter, the CUPA will submit each quarterly Surcharge Transmittal Report to CalEPA no later than 30 days after the end of each fiscal quarter using the required template.

The current quarterly [Surcharge Transmittal Report](https://calepa.ca.gov/wp-content/uploads/sites/6/2021/07/SURCHARGE-TRANSMITTAL-REPORT_20210709-ADA.pdf) template can be found at:  
[https://calepa.ca.gov/wp-content/uploads/sites/6/2021/07/SURCHARGE-TRANSMITTAL-REPORT\\_20210709-ADA.pdf](https://calepa.ca.gov/wp-content/uploads/sites/6/2021/07/SURCHARGE-TRANSMITTAL-REPORT_20210709-ADA.pdf)

**CUPA Update 1:** Submitted is the Q1 Fiscal Year 2021/2022 Surcharge Submittal Report using the correct template.

**Evaluation Team Response 1 [CalEPA]:** A review of the provided documents and CalEPA records show that the CUPA submitted both the Q1 and Q2 Quarterly Surcharge Transmittal Reports for FY 2021/2022 before October 30, 2021 and January 30, 2022, respectively, and that both were submitted using the current template. This incidental finding is considered resolved.