

CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION PROGRESS REPORT #1

CUPA: Yolo County Environmental Health

Evaluation Period: October 2024 – June 2025

Evaluation Assessment Timeframe: July 1, 2020 – June 30, 2024

Evaluation Team Members:

- CalEPA Team Lead: Kaeleigh Pontif
- CalEPA: Gerrit Kovach
- DTSC: Mia Goings, Daniel Speer
- State Water Board: Kaitlin Cottrell
- CAL FIRE-OSFM: Mary Wren-Wilson

Evaluation Progress Report #1 Received by CalEPA: November 17, 2025

Incidental Findings Pending Resolution: #'s 1-6

Evaluation Progress Report #2 Due to CalEPA: June 1, 2026

Incidental Findings Pending Resolution: #'s 1, 3, 5, 6

After the Summary of Findings Report is issued, the CUPA is required to submit the first Evaluation Progress Report to CalEPA 60 days from receipt and each subsequent Progress Report in accordance with the specified due date.

With each Progress Report, the CUPA will continue to revise and/or submit any plan, policy, document, or facility information required for any Deficiency or Incidental Finding.

Each Progress Report must be submitted to the CalEPA Team Lead via email or uploaded to the established SharePoint website. Questions or comments regarding this evaluation should be directed to the CalEPA Team Lead.

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1. INCIDENTAL FINDING:

The CUPA is not consistently reporting complete and accurate CME information to CERS for the HWG Program.

Review of CERS CME information on January 16, 2025, and information provided by the CUPA between July 1, 2020, and June 30, 2024, finds:

- The following Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) facilities had an inspection incorrectly reported to CERS as an “HW” (Hazardous Waste) inspection. The RCRA LQG facility inspection should have been reported to CERS as an “HWLQG” inspection:
 - CERS ID 10152929: HW inspection dated December 14, 2023
 - Submittals accepted between March 30, 2021, and December 11, 2023, indicate that the facility reports as a RCRA LQG
 - CERS ID 10935862: HW inspection dated October 16, 2023
 - Submittals accepted between August 29, 2023, and February 20, 2024, indicate that the facility reports as a RCRA LQG
 - CERS ID 10504702: HW inspection dated June 27, 2024
 - Submittals accepted on February 13, 2024, indicate that the facility reports as a RCRA LQG
 - CERS ID 10731538: HW inspection dated May 12, 2023
 - Submittals accepted between April 14, 2022, and February 21, 2024, indicate that the facility reports as a RCRA LQG
 - CERS ID 10151719: HW inspection dated May 16, 2022
 - Submittals accepted between September 15, 2020, and April 16, 2024, indicate that the facility reports as a RCRA LQG
- The following non-RCRA HWG facility was incorrectly identified in CERS as a RCRA LQG:
 - CERS ID 10460920: HWLQG inspections dated October 20, 2020, and October 26, 2023
 - Submittals accepted between February 1, 2021, and February 7, 2024, indicate that the facility reports as a non-RCRA HWG.
- The following Household HW collection facility (HHWCF) was incorrectly identified in CERS as not a HWG:
 - CERS ID 10216186: HHW inspections dated December 21, 2020, and January 11, 2024
 - Submittals accepted between January 20, 2021, and January 4, 2024, indicate that the facility reports as not generating HW but qualifying as a RCRA LQG
- The CUPA’s data management system is unable to consistently electronically transfer CME information to CERS.
 - CERS ID 10149283: The CUPA inspected multiple departments of this facility, identified as different ID numbers in the local data management system. Due to technical errors, no HWG Program CME information has been uploaded to CERS since 2016, though data transfers are scheduled to occur on a quarterly basis.

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- The following enforcement actions for cases involving hazardous waste related violations were not reported to CERS, and as a result, CERS reflects a cumulative total penalty amount of \$0 instead of \$61,298.80.
 - The CUPA issued and settled 2 Administrative Enforcement Orders (AEOs), collecting a cumulative total penalty amount of \$29,798.80.
 - The CUPA participated in 1 statewide enforcement case that settled, collecting a total penalty amount of \$31,500.

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

CITATION:

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

RESOLUTION:

During the evaluation:

- CERS ID 10460920 was confirmed as no longer being an LQG.
- CERS ID 10216186 is now correctly identified in CERS as an HWG.

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan for reporting HWG Program CME information consistently and correctly to CERS. The action plan will include, at minimum, the following:

- Identification and correction of the cause(s) of missing or incorrect HWG Program CME information not previously reported to CERS, or reported to CERS incorrectly between July 1, 2020, and June 30, 2024;
- Identification of all HWG Program CME information that was not previously reported to CERS, or reported to CERS incorrectly between July 1, 2020, and June 30, 2024;
- A process for reporting HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, including CME information for any revised inspection reports;
- Future steps to ensure all HWG Program CME information is consistently reported completely and accurately to CERS.
 - This may generate the need for a comparison of HWG Program CME information (including follow-up actions) in the CUPA's data management system with CERS to identify any HWG Program CME information not being reported, or being reported incorrectly to CERS through electronic data transfer (EDT)

By the 2nd Progress Report, the CUPA will identify HWG Program CME information not previously reported to CERS or reported to CERS incorrectly, and make the appropriate modulations as needed. The CUPA will then provide CalEPA and DTSC with a statement confirming the modulation of all HWG Program CME information not previously reported to CERS, or previously reported incorrectly to CERS, from July 1, 2020, through June 30, 2024, as currently and correctly being reported to CERS.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an update on the implementation of the action plan, including:

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- Data transfer from the CUPA's data management system to CERS;
- Reporting HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, between July 1, 2020, through June 30, 2024, and CME information for any revised inspection reports; and
- Ensuring all HWG Program CME information is consistently and correctly reported to CERS.

By the 5th Progress Report, the CUPA will consistently and correctly report all current and previous HWG Program CME information to CERS. The CUPA will provide a statement confirming all HWG Program CME information not previously reported to CERS, or previously reported incorrectly to CERS between July 1, 2020, and June 30, 2024, has been correctly reported to CERS. If a statement confirming all HWG Program CME information has been correctly reported to CERS cannot be provided, the CUPA will provide a narrative update on the progress made towards consistently and correctly reporting HWG Program CME information to CERS.

CUPA Update 1:

Please see attached a document that lists the CUPA's response to the bullet items above. Regarding the CUPA developing, implementing, and providing CalEPA with an action plan for reporting HWG program CME information consistently and correctly to CERS, this is how it is being done currently. Based on a facility's CERS submittals, the facility is assigned a HW "permit" in our new HealthSpace (HS) database. The main categories are: HW SQG (non-farm), HW SQG (farm), HW LQG (non-farm), HW LQG (farm), HW RCRA LQG, and HW Treatment Facility (PBR, CA, CE). The different HW permits have different annual fees assigned to them. When an inspector inspects a HW generator facility, when they pull up the inspection checklist, it will pull up whatever permit has been assigned to the facility in HS. If a facility reports a change in their HW generator status in CERS, when the inspector assigned that facility does the CERS review, they will let the EH Tech know to update the HW generator status in HS by updating their permit in HS. That way, when the inspector conducts the next routine inspection, the correct inspection checklist will be available to them. During routine inspections, the inspector should verify that the information submitted in CERS by the facility matches the daily activities of the facility. When the inspector has completed the inspection checklist (report), they can upload it directly to CERS. There is no longer a need for the CUPA to do quarterly CME EDT. Future steps for further improvement would be to compare the HW facility status in CERS with HW facility status in HS, and make sure that they match.

Evaluation Team Response 1 [DTSC]:

The narrative explaining the functionality of the HealthSpace database is appreciated and is considered the action plan for reporting HWG Program CME information consistently and correctly to CERS. The action plan provided does not include the following:

- Identification of all HWG Program CME information that was not previously reported to CERS, or reported to CERS incorrectly between July 1, 2020, and June 30, 2024;
- A process for reporting HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, including CME information for any revised inspection reports;

As of February 6, 2026:

- The following enforcement actions have not been reported to CERS:
 - CERS ID 10214182: AEO issued on October 20, 2022, with a collected penalty amount of \$9,798.00

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- CERS ID 10913734: County-Wide Case filed on September 20, 2024 with a settled penalty amount of \$19,500
- EPA ID CAL000399863: State-Wide Case filed with other CUPAs on August 14, 2024 with a collected penalty amount of \$31,000
- CME information for CERS ID 10149283 has not been reported to CERS since March 21, 2017. As the data management of CERS ID 10149283 is complex, DTSC suggests the following methods, however, the CME information can be reported to CERS in whichever manner is best for the CUPA:
 - Collecting the completed individual inspections of each department or facility within CERS ID 10149283 as a cumulative multi-day inspection that lasts from the first chronological HWG Program inspection and ending with the last chronological HWG Program inspection per mandated inspection frequency identified in the I&E Plan
 - Uploading the completed inspections in bulk to CERS using the appropriate Microsoft Excel software template available at the bottom of the list in the “Help” tab of the CERS website
 - Changing the organization of CERS ID 10149283 within CERS by providing a CERS ID to each unique department and uploading the mandated information separatelyIf the CUPA desires, DTSC can be contacted for further assistance.

With the next Progress Report:

- Address the following components of the action plan:
 - Identification of all HWG Program CME information that was not previously reported to CERS, or reported to CERS incorrectly between July 1, 2020, and June 30, 2024, and make the appropriate modulations as needed;
 - A process for reporting HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, including CME information for any revised inspection reports
- Provide a statement confirming the modulation of all HWG Program CME information not previously reported to CERS, or previously reported incorrectly to CERS, from July 1, 2020, through June 30, 2024, as currently and correctly being reported to CERS.
- Provide an update on the implementation of the action plan, including:
 - Data transfer from the CUPA's data management system to CERS;
 - Reporting HWG Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, between July 1, 2020, through June 30, 2024, and CME information for any revised inspection reports; and
 - Ensuring all HWG Program CME information is consistently and correctly reported to CERS
- Report the following enforcement actions to CERS:
 - CERS ID 10214182: AEO issued on October 20, 2022, with a collected penalty amount of \$9,798.00
 - CERS ID 10913734: County-Wide Case filed on September 20, 2024 with a settled penalty amount of \$19,500
 - EPA ID CAL000399863: State-Wide Case filed with other CUPAs on August 14, 2024 with a collected penalty amount of \$31,000
- Report CME information to CERS for CERS ID 10149283, since March 21, 2017, in whichever manner is best for the CUPA.

2. INCIDENTAL FINDING: RESOLVED

Required components of the I&E Plan are inaccurate.

The following components are inaccurate:

- Page 3: CCR, Title 19, Section 2775.3 is an outdated citation for the CalARP Program inspection frequency
 - The correct citation is CCR, Title 19, Section 5140.4.
- Page 3: HSC, Section 25508(b) is an incorrect citation for the HMBP Program inspection frequency.
 - The correct section is HSC, Section 25511 (b).
- Page 37, Chapter 3, Section XII states "the violator shall be liable for penalties as provided in section 25189.2 (a-c)..."
 - The correct citation is HSC, Chapter 6.5, Section 25188.
- Page 38: The minimum penalty for the CalARP Program is identified as \$2,000.
 - HSC, Section 25540(a)(2) states the minimum penalty amount is \$5,000.
- Page 39, Chapter 3, Section XII provides degrees of 'Major', 'Moderate', and 'Minimal' for the actual and potential harm for a violation as well as degrees of 'Major', "Moderate", and 'Minimal' for the extent of the deviation for a violation.
 - The 'Major,' 'Moderate,' and 'Minimal' degrees are not entirely accurate with the definitions in CCR, Title 22, Sections 66272.62(b)(2) and 66272.62(c)(2).
- Page 48, Appendix I, Table 4 provides a penalty matrix for violations of HSC, Chapter 6.5.
 - The citation provided at top of Subsection I of "H&SC Chapter 6.5...§25189.2 (a-d)" is incorrect. The correct citation is CCR, Title 22, Section 66272.62(d).
 - The penalty matrix has multiple incorrect values in comparison to the penalty matrix provided in CCR, Title 22, Section 66272.62(d).
- Page 53, Appendix I, Table 9 provides a penalty matrix for any business or facility that violates the requirements of the I&E Program Plan regarding reporting unauthorized spills or releases of hazardous materials or wastes.
 - The citation of HSC, Chapter 6.95, Section 25514.5(a) does not exist.
 - The words "or Waste" should be removed from the title of this Table as there is no penalty matrix associated with hazardous waste spills or releases according to the regulations pertaining to hazardous waste management.

CITATION:

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

RESOLUTION: COMPLETED

During the evaluation, the CUPA revised the I&E Plan to reflect the minimum penalty amount for the CalARP Program as \$5,000.

By the 1st Progress Report, the CUPA will revise the I&E Plan to adequately incorporate and correctly address all required components, including the date of revision. The CUPA will provide the revised I&E Plan to CalEPA.

By the 2nd Progress Report, if amendments to the revised I&E Plan are necessary based on feedback from CalEPA or DTSC, the CUPA will provide the amended I&E Plan to CalEPA. If no

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amendments are necessary, the CUPA will train CUPA personnel on the revised I&E Plan. Once training is complete, the CUPA will implement the revised I&E Plan. The CUPA will provide CalEPA with a statement that training has been conducted.

By the 3rd Progress Report, if amendments to the revised I&E Plan were necessary, the CUPA will train CUPA personnel on the amended I&E Plan. Once training is complete, the CUPA will implement the amended I&E Plan. The CUPA will provide CalEPA with a statement that training has been conducted.

CUPA Update 1:

The CUPA has updated the I&E Plan and uploaded a copy to the Sharepoint folder.

Evaluation Team Response 1 [CalEPA, DTSC]:

The I&E Plan has been revised to address the inaccurate components. This Incidental Finding is considered resolved.

3. INCIDENTAL FINDING:

The CUPA is not inspecting each HWG facility, including RCRA LQG facilities, once every three years, per the inspection frequency established in the I&E Plan.

Review of facility files, and CERS CME information on January 16, 2025, between July 1, 2020, and June 30, 2024, and additional information provided by the CUPA finds:

- 140 of 880 (16%) HWG facilities were not inspected between July 1, 2020, and June 30, 2023
- 124 of 880 (14%) HWG facilities were not inspected between July 1, 2021, and June 30, 2024.

CITATION:

CCR, Title 27, Section 15200 (a)(2)
HSC, Chapter 6.5, Section 25201.4(b)(2)
[DTSC]

RESOLUTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each HWG facility is inspected once every three years. The action plan will include, at minimum:

- A sortable 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 sortable spreadsheet will include, at minimum:
 - Facility name,
 - CERS ID,
 - Date of the last routine inspection, and
 - Tentative date of the next routine inspection, prioritizing the most delinquent inspections to be completed prior to any other HWG facility inspection based on risk.

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- Future steps to ensure that all HWG facilities will be inspected once every three years (for example, the generation of a list of all HWG facilities and the anniversary date of the next routine HWG inspection for each listed facility.

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

By the 5th Progress Report, the CUPA will have inspected each HWG facility identified in the sortable spreadsheet provided with the 1st Progress Report as not being inspected between July 1, 2020, and June 30, 2024.

CUPA Update 1:

Please see attached a sortable spreadsheet from our HealthSpace database the identifies each HWG facility that has not been inspected once every three years. As you will see in the spreadsheet, most of the overdue facilities are assigned either to our PA, the Yolo County Ag Department, or to staff, Bahram Kavousi. Because of workload and staffing issues, the Yolo County Department are often behind on routine inspections. I have notified them of this issue and asked them to conduct these overdue inspections as soon as possible. Regarding staff Bahram Kavousi, he was out on medical leave for a year and then retired in June '25. We refilled his position in October '25. Inspections of facilities assigned to him are overdue, even though other staff have pitched in and helped do some of his inspections. I have let the other three current staff know what HW facility inspections assigned to them are overdue and asked them to complete these inspections as soon as possible. Regarding future steps to ensure that all HWG facilities will be inspected once every three years, with our previous EnvisionConnect database, the CUPA Manager used to send a pending inspections list at the beginning of each month. With the switch to the new HealthSpace database, the CUPA Manager is working to come up with a similar list that can be sent to staff at the beginning of each month so that they know what HWG facilities (and other CUPA program facilities) are due for inspection that month.

Evaluation Team Response 1 [DTSC]:

The narrative explaining the situations perturbing the completion of routine HWG Program inspections is appreciated.

With the next Progress Report, provide an updated sortable spreadsheet.

4. INCIDENTAL FINDING: RESOLVED

The CUPA is not consistently citing nor requiring the correction of construction violations identified in State Water Board Local Guidance (LG) Letter 150-3, dated February 2021, at UST systems.

Review of the UST Facility/Tank Data Download obtained from CERS on January 13, 2025, finds the following UST with single-walled vent or riser piping utilizing the overfill prevention equipment (OPE) exemption:

- CERS Tank ID 10212859-004

CITATION:

CCR, Title 23, Sections 2635(d), 2636(a), and 2665(c)

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[State Water Board]

RESOLUTION: COMPLETED

By the 1st Progress Report, the CUPA will identify and provide CalEPA with a list of UST facilities, including the CERS UST Tank ID, with incorrect or incomplete OPE construction.

By the 1st Progress Report, the CUPA will provide written correspondence addressed to the UST facility owners/operators, informing the UST owners/operators of the requirement for installation of OPE, or to construct secondary containment for single-walled vent and fill risers. The written correspondence will include language stating that failure to comply with OPE requirements specified in CCR, Chapter 16, Section 2635(c)(1)(B) or (C) or (D) or secondary containment exemptions in CCR, Chapter 16, Section 2636(a) will lead to enforcement. The CUPA will include the State Water Board as a carbon copy recipient on the correspondence.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated list, indicating the status of each UST obtaining compliance. If appropriate steps have not been taken by the UST owners/operators to resolve the construction violations, the CUPA will apply enforcement. The CUPA will provide CalEPA with documentation of the applied enforcement.

By the 3rd Progress Report, if appropriate steps have not been taken by the UST owners/operators to resolve the construction violations, the CUPA will apply enforcement, including but not limited to revocation of the UST Operating Permit and issuance of red tags, which prohibit the deposit and withdrawal of product. The CUPA will provide CalEPA with documentation of the applied enforcement.

The State Water Board will consider this incidental finding resolved when the UST owners/operators install and correct OPE or secondarily contain vent and fill piping.

CUPA Update 1:

As far as the CUPA knows, CERS Tank ID 10212859-004 is the only tank with incorrect or incomplete OPE construction. Please see attached email correspondence between the CUPA and the facility or testing company informing them of the requirement for installation of OPE, or to construct secondary containment for single-walled vent and fill risers. Please note that the facility owner has language barriers and some of the communication was verbal.

Evaluation Team Response 1 [State Water Board]:

Review finds CERS Tank ID 10212859-004 has installed an overfill mechanism and accurately reported it to CERS. This Incidental Finding is considered resolved.

5. INCIDENTAL FINDING:

The CUPA is not consistently conducting complete annual UST compliance inspections.

The CUPA is not citing UST violations identified during annual UST compliance inspections, in inspection reports, and is not correctly reporting UST violations to CERS when violations are cited, including Technical Compliance Rate (TCR) criteria.

Review of UST compliance inspection reports, associated testing and leak detection documents, and inspection, violation, and enforcement information, also known as compliance, monitoring,

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and CERS CME information between July 1, 2020, and June 30, 2024, finds the following discrepancies:

- Non-compliance was not cited as a violation in an inspection report, and no violation was reported to CERS:
 - CERS ID 10216141
 - Annual Monitoring System Certification dated September 14, 2023, was performed late. No violation was issued for Unified Program Violation Library Violation Type number 2030002 – Leak Detection Equipment Maintenance (USEPATCR 9d)

- Inconsistent identification of UST construction and inspection information:
 - CERS ID 10212838
 - Annual Monitoring System Certifications dated June 16, 2023, and May 30, 2024, do not indicate the in-tank gauging being tested in section 8, while CERS cites “Yes” for automatic tank gauge (ATG) testing
 - OPE Inspections dated June 18, 2021, and May 30, 2024, have results for four USTs, while CERS lists five USTs on site
 - CERS ID 10137577
 - OPE Inspections dated June 16, 2022, and May 16, 2024, do not indicate the waste oil tanks were tested, while CERS cites “Fill Tube Shut-off Valve” as the OPE method

- Review of testing documents finds unapproved forms being used by International Code Counsel (ICC) technicians for the following facilities:
 - CERS ID 10212775
 - Annual Monitoring System Certification dated July 1, 2022
 - CERS ID 10212958
 - Secondary Containment Testing Report Form dated June 28, 2023
 - CERS ID 10216141
 - Annual Monitoring System Certifications dated August 31, 2021, and August 22, 2022
 - CERS ID 10405045
 - Annual Monitoring System Certification dated March 15, 2023
 - CERS ID 10424365
 - Annual Monitoring System Certifications dated May 5, 2022, and May 10, 2023

CITATION:

HSC, Chapter 6.7, Sections 25288(b), 25289(b), and 25299
CCR, Chapter 16, Sections 2637.2, 2638, 2711(d), and 2713(c) and (d)
CCR, Title 27, Section 15290(a)(3)
[State Water Board]

RESOLUTION:

By the 1st Progress Report, the CUPA will provide CalEPA with an analysis and explanation as to why complete annual UST compliance inspections are not consistently conducted. The analysis and explanation will include, at minimum:

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- Discussion of what procedures and tools may be needed to consistently conduct complete annual UST compliance inspections and correctly report CME information to CERS;

By the 2nd Progress Report, based on the findings identified in the CUPA's analysis and explanation, the CUPA will review and revise the I&E Plan, or other applicable procedure, to establish a process for consistently conducting complete annual UST compliance inspections and correctly report UST CME information to CERS. The revised I&E Plan, or other applicable procedure will, at minimum, include a process for:

- Conducting complete annual UST compliance inspections at all UST facilities, including single-walled UST facilities;
- Review of and follow-up with UST testing and leak detection documents submitted by UST owners or operators as part of the annual UST compliance inspection;
- Reporting all inspections, observed non-compliance identified in UST compliance inspection reports and CME information to CERS;
- Reviewing the annual UST compliance inspection checklist for thoroughness to capture citations in accordance with UST Regulations, HSC, and the Unified Program Violation Library in CERS;

The CUPA will provide CalEPA with the revised I&E Plan, or other applicable procedure. The CUPA will contact the State Water Board for any assistance needed.

By the 3rd 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 minimum, will include the date training was conducted, 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 4th Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with 5 UST facility records, as requested by the State Water Board, including, at minimum, annual UST compliance inspection reports and associated testing and leak detection documents.

CUPA Update 1:

Please see attached a document that lists the CUPA's response to the bullet items above. For the most part, Yolo CUPA has been conducting annual UST inspections on time and submitting Report 6 on time. Inspectors have also been following up with violations and taking enforcement action or referring UST facilities to the County DA's Office as appropriate. With recent staff turnover, it takes time to train new staff on how to conduct UST facility inspections thoroughly and review facility documents carefully. The CUPA is constantly working on self-improvement by encouraging staff to attend trainings, TAG meetings, CUPA Conference, etc.

Evaluation Team Response 1 [State Water Board]:

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The provided explanation is acceptable. Communication with the CUPA has been prompt and detailed. Based on the explanation provided, no additional amendments to the I&E plan are required. Provide training to inspectors on the topics listed above in the I&E plan.

With the next Progress Report, provide UST facility records, including, at minimum, annual UST compliance inspection reports and associated testing and leak detection documents for the 5 most recently completed inspections.

6. INCIDENTAL FINDING:

The CUPA is not consistently classifying HWG Program violations properly.

Review of facility files and inspection, violation and enforcement information, also known as compliance, monitoring, and enforcement (CME) information in CERS on January 16, 2025, between July 1, 2020, and June 30, 2024, finds the following non-minor violation was classified as a minor violation:

- Violation for exceedance of authorized accumulation time (California Code of Regulations, Title 22, Sections 66262.16 and 66262.17) incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from DTSC. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - 48 of 107 (45%) violations cited were classified as minor
 - The following are examples:
 - CERS ID 10152929: Inspection dated December 14, 2023
 - CERS ID 10212997: Inspection dated October 16, 2023
 - CERS ID 10214971: inspection dated March 10, 2023
- Violation for failing to train facility personnel (California Code of Regulations, Title 22, Section 66262.17(a)(7)) incorrectly cited as a minor violation. Training violations can carry an economic benefit gained through non-compliance, precluding them from being cited as minor violations. An economic benefit is gained by not taking the time out of the facility's regular operation to train new personnel. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).
 - 31 of 46 (67%) Training violations were cited as minor violations.
 - The following are examples:
 - CERS ID 10116427: Inspection dated June 16, 2021
 - CERS ID 10213687: Inspection dated February 12, 2024

Note: The examples provided above may not represent all instances of this deficiency. This deficiency was identified for the HWG Program during the 2018 and 2020 CUPA Performance Evaluations and was considered corrected during the Progress Report process.

CITATION:

Health and Safety Code (HSC), Chapter 6.5, Sections 25110.8.5 and 25117.6
California Code of Regulations (CCR), Title 22, Sections 66260.10, 66262.16(b) and 66262.17(a)
[DTSC]

RESOLUTION:

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By the 1st Progress Report, the CUPA will train the inspection staff citing the above violations as Minor on the definition of minor violation as defined in HSC, Chapter 6.11, Section 25404(a)(3) and Class I and Class II violations as defined in HSC, Chapter 6.5, Sections 25110.8.5 and 25117.6 and CCR, Title 22, Section 66262.10.

The CUPA will train the pertinent inspection staff on how to properly classify HWG Program violations as minor, Class I and Class II. Training should include, at minimum, review of the following:

- 2020 Violation Classification Guidance for Unified Program Agencies
<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>
- Violation Classification Training Video 2012 (1 of 2)
https://www.youtube.com/watch?v=yfm3_nXXiPY&list=PLC6C167034352AA02
- Violation Classification Training Video 2012 (2 of 2)
<https://www.youtube.com/watch?v=cuKbIKkhQcA>

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

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a list of inspections available on CERS citing at least one HWG Program violation, for three HWG Program facilities, as requested by DTSC, that have been inspected after training has been completed and within the last three months. Each inspection will contain comments including observations, factual basis, and corrective actions to correctly identify and classify each observed HWG Program violation.

CUPA Update 1:

The CUPA inspectors have been asked to review the guidance document above and watch the two training videos and they have done so – please see attached a table that summarizes on what date each inspector completed the trainings. The inspectors confirmed this via email that is available upon request.

Evaluation Team Response 1 [DTSC]:

The training documentation provided is acceptable.

With the next Progress Report, provide the inspection report, citing at least one HWG Program violation, for the following HWG Program facilities that have been inspected after training has been completed and within the last three months:

- CERS ID 10215154
- CERS ID 10980772
- CERS ID 10212754

Each inspection report will contain comments including observations, factual basis, and corrective actions to correctly identify and classify each observed HWG Program violation.

7. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION PROGRESS REPORT #1

The CUPA is not certifying, or providing documentation, to CalEPA every three years that a complete review of the area plan has been conducted and any necessary revisions have been made.

CITATION:

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

RESOLUTION: COMPLETED

During the evaluation, the CUPA made necessary revisions to the area plan and provided documentation for complete review of the area plan. This incidental finding is considered resolved.

8. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The 2019 area plan is missing a required element.

Review of the 2019 area plan finds the following required element is missing:

- Public Safety and Information
 - Procedures to identify all languages known to be spoken in the administering agency's county or city, as the case may be, and ensure that any individual is able to access services in their native language, as required by Section 11135 of the Government Code per [CCR, Title 19, Section 5020.6\(d\)](#). The area plan will outline what these services are and how they will be provided in the languages identified.

CITATION:

HSC, Chapter 6.95, Section 25503(c)
CCR, Title 19, Division 5, Article 2, Sections 5020.1 through 5020.8
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided an updated area plan that includes the missing required element. This Incidental Finding is considered resolved.

9. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The annual CalARP performance audit report for Fiscal Years (FYs) 2021/2022, 2022/2023, and 2023/2024 is missing a required element.

The following element is missing:

- The executive summary and a brief description of how the UPA is meeting the requirements of the program.

CITATION:

CCR, Title 19, Section 5150.5(b)
[CalEPA]

RESOLUTION: COMPLETED

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION PROGRESS REPORT #1

During the evaluation, the CUPA provided an updated performance audit report for FY 2023/2024 that includes all required elements. This Incidental Finding is considered resolved.

10. INCIDENTAL FINDING: RESOLVED DURING EVALUATION

The CUPA did not provide CalEPA with a Formal Enforcement Summary Report within 30 days of a judgement being issued or for each formal enforcement case that received a final judgement.

A Formal Enforcement Summary Report was not provided for the following formal enforcement case(s):

- CERS ID 10892383
- CERS ID 10214638
- CERS ID 10215286
- CERS ID 10215217
- CERS ID 10216243
- CERS ID 10213756

CITATION:

CCR, Title 27, Section 15290(a)(5)
[CalEPA]

RESOLUTION: COMPLETED

During the evaluation, the CUPA provided a Formal Enforcement Summary Report for each facility listed above. As of May 2025, the CUPA provided CalEPA with a Formal Enforcement Summary Report within 30 days of final judgment for a recent formal enforcement case. This Incidental Finding is considered resolved.