



Linda S. Adams
*Secretary for
Environmental
Protection*

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8890

October 23, 2006

Mr. Jerry Sipe, Director
Plumas County Environmental Health
270 County Hospital Road, Room 127
Quincy, CA 95971

Dear Mr. Jerry Sipe:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of Plumas County Environmental Health's Certified Unified Program Agency (CUPA) on October 4, 2006. The evaluation was comprised of an in-office program review. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions, and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

The enclosed Summary of Findings is now considered final and based upon review; I find that Plumas County Environmental Health's program performance is satisfactory with some improvement needed. To complete the evaluation process, please provide deficiency status reports to Cal/EPA every 90 days after the evaluation on your progress toward correcting the identified deficiencies. Submit deficiency status reports to JoAnn Jaschke. The first deficiency status report is due on January 2, 2007.

Cal/EPA also noted during this evaluation that Plumas County Environmental Health has worked to bring about a number of local program innovations, including: conducting a workshop to assist UST operators in complying with the laws and regulations, and implementing a solid process for documenting businesses that return to compliance. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. Jerry Sipe
October 23, 2006
Page 2

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures

Cc: See next page

Mr. Jerry Sipe
October 23, 2006
Page 3

cc: Mr. Jim Perez, CUPA Manager (Sent Via Email)
Plumas County Environmental Health
270 County Hospital Road, Room 127
Quincy, CA 95971

JoAnn Jaschke
California Environmental Protection Agency
1001 I Street, 4th Floor
Sacramento, CA 95814

Mr. Kevin Graves (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Charles McLaughlin (Sent Via Email)
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Mr. Mickey Pierce (Sent Via Email)
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Ms. Vickie Sakamoto (Sent Via Email)
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Moustafa Abou-Taleb (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Deficiencies and Corrective Actions

1. **Deficiency:** Plumas County Environmental Health is not adequately assessing the CalARP facility surcharge fee.

CUPA Corrective Action: CUPA responds here

2. **Deficiency:** Plumas County Environmental Health is not annually reviewing or summarizing their review of their Unified Inspection and Enforcement Plan.

CUPA Corrective Action: CUPA responds here

3. **Deficiency:** Plumas County Environmental Health is not adequately regulating one of the CalARP facilities. The CUPA has been working with the facility to switch to an alternative non-regulated substance. Since FY 03/04 the CUPA has been working with this facility to utilize an alternative non-regulated substance. However, the facility is still using a regulated substance and not fully complying with the CalARP program requirements

CUPA Corrective Action: CUPA responds here

4. **Deficiency:** Not all of the CUPA files contain current permits.

CUPA Corrective Action: CUPA responds here

5. **Deficiency:** Not all of the CUPA files contain current business plan inventories or emergency response procedures. Approximately 75% of the files were missing these elements. For the emergency response procedures, the CUPA sent letters requesting this information on August 24, 2006

CUPA Corrective Action: CUPA responds here

6. **Deficiency:** Plumas County Environmental Health is not accurately reporting the number of facilities with violations. The CUPA has developed tracking spreadsheets to document violations and return to compliance. However, the number of facilities with violations identified in the tracking spreadsheet is not reflective on their annual summary report

CUPA Corrective Action: CUPA responds here



Linda S. Adams
Secretary for
Environmental
Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Plumas County Environmental Health

Evaluation Date: October 4, 2006

EVALUATION TEAM

Cal/EPA: John Paine, JoAnn Jaschke, Jennifer Lorenzo

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to JoAnn Jaschke at (916) 323-2204.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	The CUPA is not adequately assessing the CalARP facility surcharge fee. In FY 03/04 the CUPA assessed a surcharge on one of the two businesses subject to the CalARP surcharge. In FY 04/05 the CUPA assessed a surcharge on one of the two businesses subject to the CalARP surcharge. In FY 05/06 the CUPA assessed no surcharge on either business subject to the surcharge. CCR, Title 27, Section 15210	By November 15, 2006, the CUPA will assess the CalARP facility surcharge on all businesses subject to the surcharge.
2	The CUPA is not annually reviewing or summarizing their review of their Unified Inspection and Enforcement Plan. CCR, Title 27, Section 15200(f)(3)	By September 30, 2007, the CUPA will review their plan and summarize the review in their FY 06/07 Self-Audit.
3	The CUPA is not adequately regulating one of the CalARP facilities. The CUPA has been working with the facility to switch to an alternative non-regulated substance. Since FY 03/04 the CUPA has been working with this facility to utilize an alternative non-regulated substance. However, the facility is still using a regulated substance and not fully complying with the CalARP program requirements. HSC, Chapter 6.95, Section 25532(b)	By April 1, 2007, the CUPA will fully regulate all facilities subject to the CalARP program, if an alternative substance is not in-place.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

4	<p>Not all of the CUPA files contain current permits. Approximately 75% of the files reviewed contained expired permits.</p> <p>CCR, Title 27, Section 15190</p>	<p>By March 1, 2007, the CUPA will ensure that the CUPA files contain current permits.</p>
5	<p>Not all of the CUPA files contain current business plan inventories or emergency response procedures. Approximately 75% of the files were missing these elements. For the emergency response procedures, the CUPA sent letters requesting this information on August 24, 2006.</p> <p>HSC, Chapter 6.95, Section 25501(a)</p>	<p>By June 1, 2007, the CUPA will ensure that all businesses either submit their updated inventory or a certification of no change to their inventory. By April 1, 2007 the CUPA will ensure that all businesses submit their emergency response procedures.</p>
6	<p>The CUPA is not accurately reporting the number of facilities with violations. The CUPA has developed tracking spreadsheets to document violations and return to compliance. However, the number of facilities with violations identified in the tracking spreadsheet is not reflective on their annual summary report. For instance the UST tracking document identifies 18 facilities with violations but the FY 05/06 summary report indicates 0 violations. Furthermore the hazardous waste document identifies 27 facilities with minor violations whereas the FY 05/06 Summary report lists 12.</p> <p>CCR, Title 27, Section 15290(a)(2)</p>	<p>On the next summary report (which is due September 30, 2007) the CUPA will ensure that violations are accurately reported.</p>

CUPA Representative

(Print Name)

(Signature)

Evaluation Team Leader

(Print Name)

(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section simply address those areas not specifically required of the CUPA by regulation or statute and are provided for continuous program improvement only.

1. **Observation:** The business community is stable within Plumas County. To ensure new businesses are aware of the CUPA program and being regulated, the planning department refers business to the CUPA. Additionally, the CUPA regulates all businesses in the same manner whether the facility is a service station, government, railroad, or an agricultural handler.

Recommendation: Continue working with the planning department to ensure all new businesses are being regulated.

2. **Observation:** In FY 05/06 the CUPA initiated 3 civil referrals. To date, the cases are still on-going and the CUPA has not assessed penalties. One of the cases involved red tagging of a UST.

Recommendation: Once the penalties are assessed and collected, the CUPA should use the annual enforcement report to document the assessment and collection of penalties.

3. **Observation:** Approximately 85% of the CUPA inspections are combined inspections to efficiently conduct inspections on all the Unified Program elements.

Recommendation: The CUPA should accurately document the combined inspections conducted on the annual inspection summary report #3.

4. **Observation:** UST files are well organized with section tabs for application, permits, inspection correspondence. However, the documentation in some of the other files is intermingled together. The CUPA is in the process of converting all files to reflect the improved format.

5. **Observation:** Handling general complaints forwarded by DTSC as well as complaints from the public is very taxing on the CUPA's resources. Many of the complaints are sent by DTSC to the CUPA with out any prioritization or pre-screening efforts. Plumas County's protocol is not to take anonymous complaints. However, many of the complaints forwarded by DTSC are anonymous and very difficult to investigate. Additionally, DTSC emails request for status are overwhelming due to the fact that many of these types of complaints are not high priorities. The CUPA suggests that DTSC either not accept anonymous complaints or investigate the complaints themselves. The CUPA feels that phone calls work better than the e-mail compliant process.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA's outreach to UST owners/operators is remarkable. The CUPA developed a program that included a workshop for regulated Businesses. The workshop helped designated operators obtain their UST certification. The CUPA Manager passed the UST Designated Operator examination. The certification was obtained to gain expertise and understanding to enable the CUPA to truly assist their small "ma and pop" UST owners in complying. The outreach also includes distributing fact sheet on HazWaste manifesting during inspections.
2. The organization of Plumas County Environmental Health Department enabled the CUPA to fully staff personnel within the CUPA program, instituting staff that is cross-trained to make the entire department become more efficient and effective in implementing all programs under the department.
3. The CUPA's process for documenting businesses that return to compliance is solid. The CUPA first sends businesses notices to comply that document any non-compliance from the inspection and request specific corrective actions. Then after the business has corrected any non-compliance, the CUPA sends businesses confirmation letters of compliance.
4. The CUPA's coordination with other Northern California Rural Agencies as well as the local fire districts is impressive. The coordination includes a NORCAL CUPA News letter and attendance at the regional forum meetings, including a leadership role as co-chair of the regional forum. Coordination with local Fire Departments occurs at quarterly Chief's meetings where the CUPA has worked to update the Area Plan. The Area Plan was updated last month and placed on their website. Concerning forwarding information to first responders, the Fire Chief's have requested the information in hardcopy form. The CUPA provides this information in binders for each fire district. Coordination with Building Department is a regular occurrence. Leads to more effective regulation of all regulated. Referrals are a common method to identify closed or new businesses that should be regulated. The CUPA is also working with the fire districts, building department and public works to address a seasonally odor issue, which has been narrowed down to a potential propane handling issue.
5. The CUPA has diligently made an effort to solicit input from the public and regulated community. The CUPA utilizes a customer service survey to improve their efficiency and effectiveness.