



Alan C. Lloyd, Ph.D.
Agency Secretary

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: 7000 0600 0027 1155 3069

March 24, 2006

Mr. Steve Schneider, Program Manager
Santa Cruz County Environmental Health
701 Ocean Boulevard, Suite 312
Santa Cruz, California 95060

Dear Mr. Schneider:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services(OES), and the State Water Resources Control Board(SWRCB) conducted a program evaluation of the Santa Cruz Environmental Health Department Certified Unified Program Agency (CUPA) on May 3 & 4, 2005. The evaluation was comprised of an in-office program review and a field inspection. 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. I have reviewed the enclosed copy of the Summary of Findings and I find that Santa Cruz County Department of Health program performance is satisfactory with some improvement needed. Cal/EPA's Unified Program staff will coordinate with your agency to track the correction of any identified deficiencies over the time frame and schedule included in the Summary of Findings.

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

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures
cc: See next page

Steve Schneider
March 24, 2005
Page 2

cc: Mr. Ahmad Kashkoli (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Brian Abeel (Sent Via Email)
Governor's Office of Emergency Services
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Ms. Liz Haven (Sent Via Email)
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STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION
SUMMARY OF FINDINGS

Arnold
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CUPA: **Santa Cruz County Environmental Health**

Evaluation Date: **May 3 & 4, 2005**

EVALUATION TEAM

Cal/EPA: Tina Gonzales/John Paine
SWRCB: Ahmad Kashkoli
OES: Brian Abeel

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 Tina Gonzales at (916) 322-2155.

	<u>Deficiency</u>	<u>Preliminary Corrective Action & Timeframe</u>
1	The CUPA's enforcement actions and follow-up for violations identified during compliance inspections is not consistent among the CUPA Inspectors. The CUPA's Inspection and Enforcement Plan is currently being revised. Each inspector currently has the flexibility to initiate or not initiate enforcement actions based on their own professional judgment. Review of inspections reports reflects inconsistent enforcement actions among the five senior inspections.	Within 6 months, the CUPA will finalize their Inspection and Enforcement Plan. Within 6 months, the CUPA inspectors will receive training on the CUPA's Inspection and Enforcement Plan and specific instruction the initiation of appropriate enforcement actions, including elevation of the actions for repeat or recalcitrant facilities.
2	The CUPA is not adequately collecting, tracking, or reporting their enforcement actions to the state on the annual Enforcement Summary Report (Report 4). There remains a few security related issues with the CUPA's database (Envision), restricting access by the CUPA inspectors. Additionally, the inspection reports do not adequately identify the violation classifications. Furthermore, during the past several months the CUPA's	Prior to September 30, 2005, the CUPA will work with their IT staff to add the necessary enforcement related data fields to the Envision database system. Additionally, the CUPA will ensure that all enforcement related information is reported accurately on the Enforcement Summary Report that is submitted to the state by September 30, 2005.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	support staffing levels have decreased, which has also contributed to the backlog of input or scanning critical information from inspection reports. The CUPA has three clericals out on leave due to disability or paternity leave.	
3	The UST plot plans are not maintained in the CUPA's files for UST facilities. Eight out of nine UST facility files reviewed did not contain UST plot plans.	Within the next six months, the CUPA will notify the UST owners/ operators to request their immediate submission of detailed plot plans showing all the UST system monitoring locations. In the future, the CUPA staff will review the plot plans for completeness prior to renewing permits and filing the documents in the facility files.
4	The CUPA has not submitted the last 2 Quarterly UST Summary Reports (Report 6) to the SWRCB. Prior to the last two quarters, the CUPA has successfully submitted the UST Summary Reports on time by the due dates.	By June 1, the due date for the 04/05 4 th Quarter UST Summary Report, the CUPA will complete and submit the 4 th Quarter UST Summary Report to the SWRCB. The CUPA will also ensure that all future reports are submitted on or before the due dates.
5	The CUPA did not update their area plan within the last three years. The CUPA's area plan was last updated in 1991 and needs to be revised to reflect changes within their jurisdiction. At the time of the October 19-20, 1998 evaluation, the CUPA staff had made some draft revisions to the area plan, but the revisions were incomplete. During the October 16-17, 2001 evaluation, the CUPA staff was working on developing and executing a memo of understanding between emergency response agencies for emergency response coordination. Since the last evaluation, the CUPA staff has attempted to update the area plan but emergency response agencies and the CUPA have not agreed upon the final updated version.	The CUPA shall update the area plan and forward a copy of the final version to the evaluation team leader within 6 months.
6	The CUPA is not ensuring that each business annually submit its hazardous materials inventory or a certification statement on or before March 1 to the	Develop a mechanism to ensure that each business annually submits its hazardous materials inventory or a

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	<p>CUPA. Thirteen business plan electronic and hard copy files were reviewed. Eight files did not contain a current (2005) inventory or a no change certification statement certifying that the inventory is current. According to the CUPA, when businesses are inspected yearly, the plans are reviewed and updated at the facilities to ensure the inventories are current. The CUPA has an ordinance in place requiring the CUPA to inspect all business plan facilities yearly. However, the CUPA has been only inspecting 2/3 of the businesses yearly. With the addition of a geologist to work on the mitigation program, CUPA inspectors will be relieved of their mitigation duties and increase their attention toward the business plan program, conducting yearly inspections of each business, and ensuring each business' inventory is current.</p>	<p>certification statement on or before March 1 to the CUPA within 10 months. Or inspect each business annually, ensure their inventories are current, and document in the hard or electronic files, which each business signs and attests to, that the business' inventories are still current or has been updated appropriately.</p>
7	<p>The CUPA is not ensuring that each business certify to the CUPA at least every three years that each business has reviewed their business plan and that necessary changes were made to the plan. Thirteen business plan electronic and hard copy files were reviewed. Six files contain business plans that were older than three years without a certification that the business plan is current and no changes were necessary. According to the CUPA, when businesses are inspected yearly, the plans are reviewed and updated at the facilities to ensure the plans are current. The CUPA has an ordinance in place requiring the CUPA to inspect all business plan facilities yearly. However, the CUPA has been only inspecting 2/3 of the businesses yearly. With the addition of a geologist to work on the mitigation program, CUPA inspectors will be relieved of their mitigation duties and increase their attention toward the business plan program, conducting yearly inspections of each business, and ensuring each business' plan is current.</p>	<p>Develop a mechanism to ensure that each business certifies to the CUPA at least every three years that each business has reviewed their business plan and that necessary changes were made to the plan within 10 months. Or inspect each business annually, ensure their plan is current, and document in the hard or electronic files, which each business signs and attests to, that the business' plan is still current or has been updated appropriately.</p>
8	<p>The CUPA is not ensuring that businesses with minor violations return to compliance within 30 days from the date of notice to comply. Based on a review of the electronic and hard copy files, some businesses</p>	<p>Supervision will coordinate with staff on a monthly basis and ensure staff follow-up appropriately.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	have not return to compliance for up to 6 months.	
9	<p>The CUPA is inconsistently or not documenting when, and if, a business has corrected violations and returned to compliance. Based on the review of the electronic and hard copy files, the CUPA documents violations and, inconsistently, a recheck date on inspection reports. The CUPA then occasionally re-inspects the businesses to ensure that the violations were corrected and the business returns to compliance. Several files contain re-inspection reports documenting the same violation without correction and return to compliance. Several files did not contain follow-up inspection reports or other documentation noting that violations had been corrected.</p>	<p>Supervision will coordinate with staff on a monthly basis and ensure staff follow-up on violations to achieve compliance and appropriately document the life of the violation from the initial observation to the time of correction.</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

1. **Observation:** The State Surcharge rates for the CUPA are approved by June by the County Board of Supervisors.

Recommendation: The CUPA should note on the on the State Fee Schedule a reference that the fees are set by the State, so they realize these are State Fees.

2. **Observation:** Nine UST facility files reviewed did not contain documents required to verify facility compliance. Files were missing one or more of the following: documentation showing follow up actions to verify compliance, UPCF tank form (form B), designated operator certification, proof of financial responsibility, plot plan, monitoring plan, response plan, annual monitoring equipment certification reports, and tri-annual secondary containment testing report.

Recommendation: The CUPA should consider developing a file review checklist to ensure that all required documents are located in the file. This will help agency inspectors to verify that facility owners/operators are submitting the required information and that clerical staff know what needs to be kept in the files

3. **Observation:** The CUPA does not have a detailed UST inspection checklist.

Recommendation: The State Water Board strongly encourages the agency to develop a thorough UST facility inspection checklist with citations. The inspection checklist should include (tank, piping, sump, under-dispenser, overfill spill bucket, overfill prevention systems, audible/visual alarm, leak detection monitoring sensors, leak detection control panel, cathodic protection, alarm history, tri-annual secondary containment testing, designator operator, employ training, record keeping, etc.) that an inspector needs to verify to determine compliance. A detailed inspection checklist will aid the agency inspectors in completing thorough and consistent facility inspection.

4. **Observation:** At the time of the UST inspection the facility file was not available at the site for the CUPA inspector to review.

Recommendation: The CUPA should require the facility owner/operator to have a facility folder available for the CUPA staff to review for completeness at the time of the routine/annual inspection.

5. **Observation:** After reviewing several inspection reports the following was found:

- It was not clear whether some inspection report findings were considered recommendations or violations. In some cases, violation citations were not listed.
- Several violations and corrective actions identified in the inspection reports lacked sufficient detail necessary to establish the elements of a violation and the corrective action to be taken. Violations and corrective action language should be clear enough so that a third party can understand.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

- Consent to inspect, taking photos, and sampling are not documented in the CUPA's inspections reports.
- The date of which a business must return to compliance is inconsistently noted on the inspection report.
- It was not clear which program was being inspected.

Recommendation: Utilize the Inspection Report Writing Guidance document that was developed jointly by the CUPA Form Board and Cal/EPA. Copies can be found on the Cal/EPA Unified Program website.

6. **Observation:** The CUPA is back logged in scanning in program file information. During the past nine months, three clericals out on leave due to disability or maternity. This has created a huge backlog of support related work.

Recommendation: Prioritize workload to remove backlog and identify resources to complete the CUPA's conversion from paper to the electronic files.

7. **Observation:** Training for the CUPA staff and supervisor is well documented in a Training binder maintained by the CUPA Program Manager. The training course and the specific number of hours of instruction are listed for each person.

Recommendation: For conferences or training that includes multiple courses, specify each subject matter of instruction CUPA staff received during the course of the conference or training.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA has done an outstanding job of collection of the Single Fee and Surcharge with a collections rate averaging between 95-98% of fees charged. to all regulated businesses.
2. The CUPA has placed some good information on the Santa Cruz County Web site for Environmental Health Services including Hazardous Materials, Underground Tanks, and Hazardous Waste Generation forms and useful regulatory information.
3. The County is a participant in the Monterey County Green Business Program, which has recently been highlighted in a local newspaper, "Good Times" listing the businesses included in this environmentally recognized program by City and Business type.
4. The County has recently hired, 3 weeks ago, a Geologist for full-time Site Mitigation for Soil Cleanups in the County. This recent hire should help free up time for the County Inspectors by giving them back 20% of their needed inspection time. The County is also hoping to become an LOP by this addition of staff.
5. The CUPA is providing a good information source to the visiting public within the Environmental Health Office through its public information counter, brochures being provided, and computer terminals providing access to nearly 2 million files of non-confidential file information.
6. The CUPA Program Manager and/or Director attend Quarterly meetings for Emergency Response; the Director attends Fire Chiefs monthly meetings, and OES County meetings. Staff meetings are held quarterly, and do have short meetings every day with employees to check in and find out how things are going, what projects are being worked on...etc...
7. CUPA has a well implemented UST program, examples include:
 - UST operating issued annually.
 - CUPA notifies UST owners/operators of new UST requirements.
 - CUPA has implemented Red Tag authority for "Significant Violation" at a UST facility pursuant to CCR, Title 23, Section 2717.
8. The CUPA is scanning in program files.
9. The CUPA and Public Works Department are conducting joint inspections to not overburden businesses with duplicative inspections where the two department's programs overlap.
10. During the last evaluation October 16-17, 2001, the CUPA was not ensuring farms comply with the business plan program. Since that evaluation, the CUPA has been regulating farms for compliance with the program.