



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



MATTHEW RODRIQUEZ
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EDMUND G. BROWN JR.
GOVERNOR

Certified Mail: 7003 1680 0000 6175 1982

November 2, 2012

Mr. Ken Stuart, Interim Director
Placer County Environmental Health Division
3091 County Center Drive, Suite 180
Auburn, California 95603

Dear Mr. Stuart:

The California Environmental Protection Agency (Cal/EPA), California Emergency Management Agency, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the Placer County Environmental Health Division Certified Unified Program Agency (CUPA) on April 10 through 12, 2012. The evaluation was comprised of an in-office program review and field oversight inspections by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

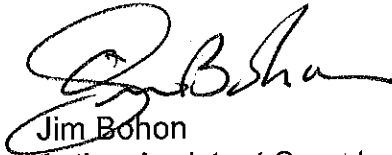
The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Placer County Environmental Health Division's program performance is satisfactory with some improvements needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Kareem Taylor every 90 days after the evaluation date; the first report is due on November 12, 2012.

Cal/EPA also noted during this evaluation that Placer County Environmental Health Division CUPA has worked to bring about a number of local program innovations, including CalARP program innovations and emergency planning efforts. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program website to help foster a sharing of such ideas statewide.

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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 email jbohon@calepa.ca.gov.

Sincerely,



Jim Bohon
Acting Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email:

Mr. Bill Foster
CUPA Manager
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Mr. Mark Pear
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Mr. Kevin Graves
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Ms. Laura Fisher
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cc: Sent via email:

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Chief Robert Wyman
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3650 Schriever Avenue
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Mr. Jack Harrah
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Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS - FINAL

CUPA: Placer County Environmental Health Services

Evaluation Date: April 10 - 12, 2012

EVALUATION TEAM

Cal/EPA: Kareem Taylor

SWRCB: Sean Farrow

Cal EMA: Jack Harrah

DTSC: Mark Pear

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are now considered to be final. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

Corrective Action

Deficiency

	<u>Deficiency</u>	<u>Corrective Action</u>
1	<p>The CUPA is not ensuring that all businesses subject to the business plan program are submitting business plans.</p> <p>Specifically, agricultural handlers are neither regulated under the business plan program nor properly exempted from the provisions of the program. In addition, the agricultural handlers are not being inspected under the provisions of the business plan program.</p> <p>This was identified as a deficiency in the July 2006 and May 2009 evaluations.</p> <p>HSC, Chapter 6.95, Section 25503.5(a) (Cal EMA)</p>	<p>By October 29, 2012, the CUPA will survey the agricultural community and determine the population of agricultural handlers that are subject to the business plan program.</p> <p>By November 30, 2012, the CUPA will submit the results of the survey to Cal/EPA, identifying the number of agricultural handlers regulated and exempted by the CUPA.</p> <p>Beginning December 1, 2012, or sooner, the CUPA will begin regulating agricultural handlers that have been determined to be subject to the requirements of the business plan program, including compliance inspections.</p> <p>By June 1, 2013, the CUPA will submit five (5) inspection reports from inspections of agricultural handlers inspected between December 1, 2012 and May 30, 2013.</p>

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2	<p>In some cases, the CUPA is not following-up and/or documenting return to compliance (RTC) for businesses cited for violations in Notices to Comply and inspection reports/Notices of Violation (NOV). Below are some of the business files reviewed at the Tahoe City CUPA office that were cited for violations, but documentation of RTC or CUPA follow-up was not found:</p> <ul style="list-style-type: none"> • Save Mart #626 Cited for not maintaining a hazardous materials business plan onsite. No documentation of RTC was found for this violation. • Northstar Community Services District (51 Trimont Lane) Cited for not submitting a revised site map when changes occurred and for not maintaining hazardous waste manifests onsite. No documentation of RTC was found for these violations. • Agate Bay Water Company Cited for not maintaining a hazardous materials business plan onsite. No documentation of RTC was found for this violation. <p>HSC, Chapter 6.5, Section 25187.8 (Cal/EPA, DTSC) CCR, Title 27, Section 15200 (a)</p>	<p>Immediate, the CUPA will follow-up and document the RTC for businesses cited for violations.</p> <p>By November 29, 2012 the CUPA will train Tahoe City office staff to adequately document CUPA follow-up and facility RTC.</p> <p>By November 29, 2012, the CUPA (Tahoe City office) will submit follow-up documentation to Cal/EPA that demonstrated the Northstar Community Services District (51 Trimont Lane) facility's correction of noted violations.</p> <p>By February 28, 2013, the CUPA (Tahoe City office) will submit RTC documentation to Cal/EPA from three (3) businesses that were cited for violations during inspections conducted within the last six months.</p>
3	<p>The CUPA did not conduct a complete hazardous waste generator oversight inspection. During the inspection of Alpine Meadows, the following was noted:</p> <ol style="list-style-type: none"> 1) Inspector failed to observe that contaminated drums had not been marked with the date that they had been emptied as required by CCR, Title 22, Section 66261.7(f). (Violation was corrected on site.) 2) Inspector failed to determine whether the facility had kept written inspection logs for tanks showing that daily inspections had been completed as required by CCR, Title 22, Section 66265.195. 3) Inspector failed to determine whether the facility had kept written inspection logs for containers showing that weekly inspections had been completed as required by CCR, Title 22, Section 66265.174 and Title 22, Section 66265.15(d). 4) Inspector failed to determine whether the facility had maintained its eye wash/showers, first aid 	<p>By October 29, 2012, the CUPA will re-inspect Alpine Meadows and determine whether the facility is in compliance.</p> <p>By November 29, 2012, the CUPA will submit to Cal/EPA a copy of the inspection report for Alpine Meadows.</p>

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	<p>stations, and fire extinguishers as required by Title 22, Section 66265.33 and had kept written inspection logs as required by CCR, Title 22, Section 66265.15(d).</p> <p>5) Inspector failed to determine whether the facility had maintained annual hazardous waste personnel training records as required by CCR, Title 22, Section 66265.16(c)(e).</p> <p>6) While the inspector observed that copies of the treatment, storage and disposal facilities (TSDF) manifests had not been kept on site for the past three years (facility did have manifests from 5 to 10 years ago), the inspector did not cite CCR, Title 22, 66262.40(c).</p> <p>7) While the inspector noted that improperly labeled containers had been corrected on site, not all remaining drums had start accumulation dates posted per CCR, Title 22, Section 66262.34(f)(1).</p> <p>CCR, Title 22, Section 66261.7(f) (DTSC) CCR, Title 22, Sections 66273.35 & 66273.34 CCR, Title 22, Section 66265.195 CCR, Title 22, Section 66265.174 CCR, Title 22, Section 66265.33 CCR, Title 22, Section 66262.40(c)</p>	
<p style="text-align: center;">4</p>	<p>The CUPA is not ensuring that remote consolidation sites provide annual notification to the CUPA.</p> <p>Placer County Water Agency-Foresthill Headquarters located at 5825 Sunset Drive has not provided annual notification for remote waste consolidated from PCWA-French Meadows PWRHSE.</p> <p>HSC, Chapter 6.5, Section 25110.10(d) (DTSC)</p>	<p>Immediately, the CUPA will ensure that remote consolidation sites provide annual notification to the CUPA.</p> <p>By October 29, 2012, the CUPA will provide remote consolidation site training to its inspectors.</p> <p>By November 29, 2012, the CUPA will obtain, and submit a copy to Cal/EPA, an annual notification from the PCWA-French Meadows PWRHSE facility.</p>
<p style="text-align: center;">5</p>	<p>The August 2011 revision of "Annex E" to the Placer County Emergency Operations Plan (which forms the functional hazardous materials area plan) does not address all of the pesticide drift requirements mandated by Senate Bill 391 (Florez).</p> <p>Specifically, the following elements need to be addressed:</p>	<p>By October 29, 2012, the CUPA will amend the area plan to address the listed elements. Submit the amended elements to Cal/EPA.</p>

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	<ul style="list-style-type: none"> • California Code of Regulations, title 19, section 2723 (d) – medical reimbursement eligibility; • California Code of Regulations, title 19, section 2724 (e) – access to health care; and • California Code of Regulations, title 19, section 2726 (d) – access to services in native language. <p>CCR, Title 19, Sections 2720(c), 2723(d), 2724(e) and 2726(d) (Cal EMA)</p>	
6	<p>The CUPA is not ensuring that submitted business plans are complete and accurate. Of the 22 business plan files reviewed by Cal EMA (11 in Auburn and 11 in Tahoe City):</p> <ul style="list-style-type: none"> • six (two Auburn, four Tahoe City) had inventories or certifications that were out of date. • one was missing the training program; • one was missing the business activities page; • one was missing the emergency response plan; • seven (six Auburn, one Tahoe City) of the existing emergency response plans were missing the notification element; • 10 (seven Auburn, three Tahoe City) of the emergency response plans were missing the seismic vulnerability element. <p>HSC, Chapter 6.95, Section 25505(a)(2) (Cal EMA) CCR, Title 19, Sections 2731(a) and (e)</p>	<p>Beginning immediately, the CUPA will ensure that submitted business plans are complete and correct, per HSC 25505(a).</p> <p>By November 29, 2012, the CUPA will develop, implement and submit to Cal/EPA a procedure that ensures that business plans submitted electronically are complete and accurate. The procedures will also include the business plan review checklist.</p> <p>As business plans are entered into the California Environmental Reporting System (CERS), as part of the approval process, the CUPA will ensure that these plans are complete and correct, especially non-inventory items.</p>
7	<p>The CUPA is not documenting the approval of the underground storage tank (UST) monitoring plans that owners/operators have submitted to the CUPA's Tahoe City office.</p> <p>The SWRCB's file review indicates that the CUPA is not signing the approval/disapproval section of monitoring plans. Signatures would document that the CUPA is reviewing plans for completeness and accuracy.</p> <p>CCR, Title 23, Section 2632 (b), (d)(2) (SWRCB) CCR, Title 23, Section 2641 (g)</p>	<p>By November 29, 2012, the CUPA will identify facilities where the monitoring plans have not been reviewed and approved.</p> <p>By November 29, 2012, the CUPA will report to Cal/EPA the number of facilities that need their monitoring plans approved by the CUPA.</p> <p>By December 28, 2012, the CUPA will submit copies of monitoring plans that has been approved by the CUPA for three UST facilities that were identified as not having approved plans.</p>

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PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA utilizes the Envision Connect data management system to collect, retain, and manage Unified Program information. Envision Connect tracks fee accountability data (staff hours and costs; workloads), single fee invoicing, inspection, enforcement, and permitting information. Inspection follow-up information is not regularly entered into Envision Connect. CUPA staff from both the Auburn and Tahoe City offices regularly use tablet PCs to perform inspections. Inspection summaries and NOV's are printed and stored in facility files.

Recommendation: Cal/EPA recommends that the CUPA regularly enter inspection follow-up information into Envision Connect. The CUPA will need to do this so that the data can be transferred to the CERS.

2. **Observation:** The CUPA is implementing the Aboveground Petroleum Storage Act (APSA) program. CUPA inspectors are reviewing Spill Prevention Control and Countermeasure (SPCC) plans and performing routine APSA inspections.

Recommendation: none.

3. **Observation:** The CUPA implements formal enforcement for UST facilities in violation primarily by red tag issuance. Re-inspection fees are assessed when re-inspections to verify compliance are needed. The Administrative Enforcement Order (AEO) enforcement option has not been used; however, the CUPA has stated that it is an available option and they will use the option when necessary.

Recommendation: none.

4. **Observation:** The CUPA will be using Envision Connect to comply with the electronic reporting law that becomes effective on January 1, 2013. In the near future, the CUPA will direct business owners/operators to report program data electronically through the CERS. The CUPA will receive the data in Envision Connect when it is electronically transferred from CERS.

Recommendation: none.

5. **Observation:** The CUPA has had a lot of staff turnover. The environmental health director recently retired and the CUPA supervisor will retire soon. There is one vacancy in each of the CUPA's offices (Auburn and Tahoe City). The CUPA is in the process of promoting a staff member from another department to the supervisor position.

Recommendation: Cal/EPA recommends that the CUPA fill vacant positions and ensure that new staff are adequately trained. Also, the CUPA should determine the resources needed to regulate any newly discovered agricultural handlers and adjust its resources to compensate.

6. **Observation:** In general, the CUPA's enforcement program implementation is adequate; however, in one instance, the CUPA failed to take the appropriate graduated series of enforcement for chronic violations at the North Tahoe Mobil facility. The violations include the following:

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- Failure to submit HMBP forms
- Failure to obtain spill control systems/emergency response equipment
- Failure to properly label containers
- Failure to submit a revised/facility map
- Failure to place hazardous waste in properly maintained containers
- Storage of hazardous waste over legal accumulation time

Recommendation: DTSC recommends that the CUPA initiate and complete the appropriate enforcement in the future for all violations. The CUPA should also refresh staff knowledge of the definitions of Class I, Class II, and minor violations. A good tool for refresher training may include covering the Cal/EPA “Violation Classification Guidance Document for Unified Program Agencies,” which is available on the Cal/EPA website under Unified Program-Publications and Forms. Also, it is recommended that the CUPA provide violation determination training to its inspectors.

7. **Observation:** The CUPA was able to demonstrate that over half of the seventeen complaints that were referred by DTSC from April 01, 2009 to April 01, 2012 were tracked. Follow up documentation could be found for Complaint No., 09-0809-0479, 10-0410-0560, 10-0810-0788, 11-0411-0259, 11-0411-0256, 11-0911-0561, 11-0911-0567, 11-0911-0584, 11-1011-0667, and 12-0212-0103, but not for 12-0212-0089, 11-0911-0608, 11-0311-0196, 10-0810-0821, 09-0209-0085, 09-0206-0137, 05-0205-0093.

Recommendation: DTSC recommends that the CUPA ensure that all complaints are being received by the CUPA from DTSC by providing the e-mail address of the CUPA staff who should receive complaints to NLancast@dtsc.ca.gov, complaint coordinator. Investigate and document all complaints referred. Investigation does not always entail inspection, as many issues may be resolved by other means such as a phone call. In any instance, it is suggested that each investigation be documented either by an inspection report or by a “note to file” placed in the facility file.

8. **Observation:** DTSC noted that the CUPA has inspected all known facilities generating hazardous waste over the past three fiscal years; however, there is a difference of approximately 355 facilities between what the CUPA has reported in its latest inspection summary report for fiscal year 2010/2011, which is 438 facilities, and the total number of businesses manifesting off hazardous waste with active EPA ID numbers listed in DTSC’s Hazardous Waste Tracking System (HWTS) database, which is 793 facilities.

Recommendation: DTSC highly recommends that the CUPA use the HWTS to verify that all hazardous waste generators in its jurisdiction are being regulated. Inspection priority should be given to hazardous waste generator facilities that have been discovered through the verification process and have not been inspected.

9. **Observation:** The CUPA inspection staff does not normally access DTSC's HWTS database. The CUPA’s inspection policy does not include reviewing the HWTS prior to conducting any hazardous waste inspections to determine the type of waste streams, how much waste the facility generates, and the type of waste they last shipped out.

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Recommendation: DTSC highly recommends that the CUPA provide HWTS training to its staff and incorporate the use of the system as part of their inspection policy. Please contact Glen Foreman at (818) 717-6672 or GForeman@dtsc.ca.gov to schedule for this training.

- 10. Observation:** Cal EMA accompanied a CUPA inspector on business plan oversight inspections of a dry cleaning business and a well-drilling business. These inspections were thorough and professional, covering not only the business plan program requirements, but the requirements of the hazardous waste generator element of the Unified Program, as well. The inspector pointed out to one handler that their rate of waste generation would probably classify them as a conditionally-exempt small quantity generator rather than a small-quantity generator. The inspector also determined how each handler managed universal waste. The inspector went out of his way to establish and maintain a good working relationship with each handler.

Recommendation: none.

- 11. Observation:** Generally, the CUPA's 2012 CalARP Performance Audit meets the intent of 19 CCR 2780.5(b); however, the CUPA did not include a response to the audit elements where the answer was either "None" or "No". The audit elements that lacked a response are: 2780.5(b)(1), stationary sources audited; (2), requested to develop risk management plans; (5), new or modified stationary sources; and (8), stationary sources exempted.

Recommendation: Cal EMA recommends that future CalARP Performance Audits include responses for all eight elements, even if the answer is "None" or "No". For example, elements (4) and (6) of section 2780.5(b) included in the 2012 Audit were represented by "None" or "No action". Element (3) was "all facilities were inspected."

- 12. Observation:** Both CUPA offices maintain facility file consistency by having a sample facility file folder at each office that inspectors may model their facility files after.

Recommendation: none

- 13. Observation:** The Tahoe City office field staff do not attend the UST Technical Advisory Group (TAG) meetings.

Recommendation: The SWRCB recommends that the Tahoe City field staff attend UST TAG meetings as time permits. The meetings give staff the opportunity to ask questions and receive training regarding UST facilities.

- 14. Observation:** In general, the CUPA performs adequate UST inspections; however, in one instance, the SWRCB's file review indicates that the CUPA inspector did not perform a complete annual UST inspection. The CUPA inspector was not able to witness the annual monitoring certification and received verbal confirmation from the service technician that the UST system passed all testing requirements. Several days later, the CUPA inspector went out to the facility and looked at the available paper work. The inspector did not have a facility representative open the system up to ensure that all sensors were placed correctly, sensors are of the correct type, secondary is open, all sumps were dry, and that the service technician had placed the required stickers on all sensors indicating that he or she tested them.

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Recommendation: The SWRCB recommends that the CUPA develop an UST inspection policy that incorporates how the CUPA will address not witnessing the annual monitoring certification.

15. Observation: File review indicates that the CUPA has notified UST owners/operators that if the facility is not in compliance with article 3 or 4, the operating permit will not be issued to the facility.

Recommendation: none.

16. Observation: The CUPA does not address the process of determining Significant Operational Compliance (SOC) criteria in its I & E Plan. While this is not required, it would help the CUPA with its reporting requirements to the SWRCB for new and future employees.

Recommendation: The SWRCB recommends that the CUPA add a process to its I & E Plan to outline the when an inspector is to determine SOC and how SOC is tracked.

17. Observation: The CUPA's I & E Plan does not address the collection of the Board of Equalization (BOE) number.

Recommendation: The SWRCB recommends that the CUPA review Policy Memo 0910-06: BOE Tank Number Collection on Cal/EPA's website and update its I & E Plan.

18. Observation: The CUPA inspector performed a thorough UST oversight inspection. His attention to detail and knowledge of the law and regulations resulted in an excellent inspection. Since the inspector was filling in due to a co-worker not performing the inspection, the inspector had the monitoring plan in hand and verified that all sensors matched. If something did not match, changes were made to correct the problem. The inspector also explained his changes to the operator and had him initial the form where the changes were made. There were a few violations noted during the inspection. During the conclusion of the inspection, the inspector explained his findings thoroughly and noted that all violations were corrected during the annual monitoring certification.

Recommendation: none.

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- 1. Public Health and Safety** - Earlier this year, the Placer County Water Agency's Foothill Water Treatment Plant was verified to have changed from a chlorine process to a hypochlorite process. The CUPA expects to move at least one more stationary source out of the CalARP program the same way by the end of this calendar year. In addition, two of the facility files pulled at random during this evaluation included deregistration documents, reflecting changes, in 2007 and 2008, respectively, from chlorine to hypochlorite. This represents a substantial improvement to the public's health and safety, and to the safety of the environment.
- 2. Emergency Planning** - During the Spring of 2011, the Serene Lakes area received an extraordinary amount of snow fall. Due to the amount and weight of the snow, telephone poles snapped and power lines broke. Additionally, residential propane systems were difficult to find due to the amount of snow. Propane systems are required to be cleared of snow to surface levels. The Truckee Fire Protection District staffs had to guess the location of the propane systems to determine which system was leaking. On a number of occasions, when they reached the tank, after digging through 30 feet of snow, they discovered that the tank was not connected to the piping because it had not been removed when the new tank had been installed. Many homes in this area are second homes so there was no one onsite to provide any information. On one occasion, when it was determined that the propane system at a particular house was leaking and had a very high lethal exposure level in the garage, the fire department tried to access the propane system through the inside of the garage only to find out that there was a wall of snow on the outside of the garage door.

Placer County Environmental Health is coordinating with the local fire district and Placer County OES to GPS all residential tanks at the primary regulator and secondary regulator. The information will be shared with the local emergency agencies. Although the propane systems are required to be cleared before refilling and for the safety of the piping, tank and regulators, realistically, it is difficult to stay on top of snow removal during an emergency event such as the one of the Spring of 2011. With the location of the tanks identified, emergency responders will be able to easily locate the propane systems' regulators, thereby lowering the risk to the public.

