



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Certified Mail: 7014 1200 0001 5649 0783

April 13, 2015

Mr. Bill Navarre
Deputy Director
Environmental Health Division
Siskiyou County
806 South Main Street
Yreka, California 96097

Dear Mr. Navarre:

On November 18 – 19, 2014, the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC), the California Office of Emergency Services (Cal OES), the CAL FIRE - Office of the State Fire Marshal (OSFM), and the State Water Resources Control Board (SWRCB) conducted a Unified Program evaluation of the Siskiyou County Environmental Health Division Certified Unified Program Agency (CUPA). The evaluation comprised of an in-office review and oversight inspections.

Upon closing of the evaluation, the Unified Program Evaluation Team (team) developed a preliminary Summary of Findings, which identified program deficiencies and provided corrective actions with timeframes for correction. Program observations, recommendations and examples of outstanding implementation were also noted.

Enclosed, please find the final Summary of Findings. Based upon review and completion of the evaluation, the implementation and performance of the Unified Program by the CUPA is considered to be satisfactory with improvements needed.

Deficiency Progress Reports are due every 90 days from the last day of the evaluation to document progress of the CUPA towards correcting identified deficiencies. The first Deficiency Progress Report is due May 20, 2015. Submittal of Deficiency Progress Reports is required until all identified deficiencies have been corrected. Each Deficiency Progress Report should be emailed as a Microsoft Word document file to the team lead, kareem.taylor@calepa.ca.gov.

The final Summary of Findings and Deficiency Progress Reports will be posted at:

<http://cersapps.calepa.ca.gov/Public/Directory/CUPAEvaluationDocuments>

Mr. Bill Navarre
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During the evaluation, CalEPA also noted the CUPA has worked to bring about a number of local program innovations, including coordinating a full scale, hazardous materials and CHEMPACK drill with members of various health and safety organizations.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of the Unified Program.

If you have any questions or need further assistance, please contact the team lead, Kareem Taylor, at (916) 327-9557 or John Paine, Manager, at (916) 327-5092.

Sincerely,

Original signed by Jim Bohon

Jim Bohon, Assistant Secretary
Local Program Coordination and Emergency Response
California Environmental Protection Agency

Enclosure

cc sent via email

Mr. Rick Dean
CUPA Manager
Environmental Health Division
County of Siskiyou
806 South Main Street
Yreka, California 96097

Mr. Sean Farrow
Environmental Scientist
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Ms. Jenna Yang
Environmental Scientist
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Edward Newman
Environmental Scientist
California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655

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cc sent via email

Mr. Ari Erman, Ph.D
Hazardous Substances Scientist
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721cc sent via email

Ms. Laura Fisher, Chief
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Ms. Diana Peebler
Senior Environmental Scientist, Supervisor
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Kevin Reinertson, Chief
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Thomas E. Campbell, Chief
California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Mr. Kareem Taylor
Unified Program Evaluation Team Lead
California Environmental Protection Agency



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV



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FINAL SUMMARY OF FINDINGS

EVALUATION DATE(S):	November 18 and 19, 2014				
CUPA:	Siskiyou County Environmental Health Department				
EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	SWRCB	CAL FIRE - OSFM
	Kareem Taylor	Ari Erman	Edward Newman	Sean Farrow	Jenna Yang

This **FINAL SUMMARY OF FINDINGS** includes:

- deficiencies identified during the evaluation
- program observations and recommendations
- examples of outstanding program implementation

The findings contained within this evaluation report are considered final.

Based upon review and completion of the evaluation, the Unified Program implementation and performance of the CUPA are considered to be

satisfactory with improvements needed.

Questions or comments regarding this evaluation should be directed to **Kareem Taylor**.

The CUPA is required to submit a **Deficiency Progress Report every 90 days** until all deficiencies have been acknowledged as corrected.

Each **Deficiency Progress Report** must include a narrative stating the correction of all deficiencies identified in the Summary of Findings evaluation report.

Deficiency Progress Report submittal dates for the first year following the evaluation are as follows:

Update 1: May 20, 2015

Update 2: August 20, 2015

Update 3: November 20, 2015

Update 4: February 20, 2016

Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>In some cases, the CUPA is not following-up and/or documenting return to compliance (RTC) for facilities cited with minor violations. A person who receives a NTC detailing a minor violation shall not have more than 30 days from the date of the NTC to correct the violation. Below are two examples of hazardous waste generator (HWG) facilities that were cited for minor violations and no evidence of RTC was found:</p> <ul style="list-style-type: none">• California Highway Patrol located at 1739 S. Main St. in Yreka; and• United States Forest Service located 25415 Sawyers Bar Rd. in Etna.	<p>By May 20, 2015, the CUPA will create, and submit to CalEPA, a list of facilities with outstanding violations. The CUPA will follow-up with these facilities to document and ensure RTC is achieved. The CUPA will submit to CalEPA evidence of follow-up documentation for the two facilities listed in this deficiency.</p> <p>By August 20, 2015, the CUPA will provide an updated list to CalEPA showing either follow-up actions or RTC for all listed facilities.</p>
	CITATION: HSC, Chapter 6.11, Section 25404.1.2 [DTSC]	
2.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not ensuring that all handlers submitted complete business plans. Documentation of appropriate enforcement actions was not found for facilities with incomplete submittals.</p> <p>Approximately 28% of facility records reviewed in CERS did not have complete business plans. They were missing one or more of the required elements including the Emergency Response and Training Plan, and a Chemical Inventory</p>	<p>By May 20, 2015, the CUPA will identify all business plan facilities that have not submitted a complete business plan and submit a list of the facilities to CalEPA.</p> <p>By August 20, 2015, the CUPA will ensure that all handlers have submitted the required business plan elements into CERS or taken appropriate enforcement to ensure all businesses comply with the annual reporting requirement. The CUPA will submit an updated list to CalEPA showing that each facility has submitted the required elements or that appropriate enforcement actions have been taken.</p>
	CITATION: HSC, Chapter 6.95, Section 25504(c) and 25505 [Cal OES, OSFM]	

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3.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not ensuring that UST data submitted by businesses is complete and accurate for the tank system.</p> <p>The SWRCB's review of CERS submittals shows that CUPA inspectors are accepting incomplete or inaccurate UST related fields in CERS. A few examples of incomplete or inaccurate data fields that have been accepted are as follows:</p> <ul style="list-style-type: none">• Monitoring requirements are not correct for the tank system;• Tank and pipe information is missing;• Missing Certificate of compliance (formally known as UPCF C). <p>This deficiency is carried over from the 2011 evaluation. Previous deficiency language has been changed because Unified Program information is now required to be reported electronically.</p>	<p>Effective immediately, the CUPA will only allow for complete or accurate UST related fields in CERS. Verification of submittals will occur during annual compliance inspections.</p> <p>By May 20, 2015, the CUPA will establish, implement, and submit to CalEPA, a procedure to ensure that businesses submit complete information and that the information is accurate for the tank system. The procedure will include, but not be limited to, steps that ICC certified staff will use to accept submittals in CERS.</p> <p>For data already submitted and accepted by the CUPA in CERS, no later than the next annual UST facility compliance inspection the CUPA will review UST related fields and ensure the information is complete and accurate for the tank system for each facility.</p> <p>By September 30, 2015, the CUPA will submit the CERS identification numbers for 10 UST facilities where accurate and complete UST related fields are maintained.</p>
	CITATION:	
	CCR, Title 27, Section 15185(a) [SWRCB] HSC, Chapter 6.11, Section 25404(a)(1)(C)	
4.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>Fees assessed and collected by the CUPA are not adequate to cover the necessary and reasonable costs incurred by the CUPA to administer the Unified Program.</p> <p>The CUPA's fee revenues collected for FY 2013/2014 of \$80,397.80 covers only 44% of the total expenses of the CUPA which is \$180,903.55. Siskiyou County's general fund</p>	<p>By August 20, 2015, the CUPA will review their fee accountability program and determine the fees sufficient to cover the necessary and reasonable costs incurred by the CUPA to implement the Unified Program.</p> <p>By November 20, 2015, the CUPA will revise the fees for each program element to a level sufficient to cover the necessary and reasonable costs incurred by the CUPA to implement the Unified Program.</p>

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<p>makes up the remainder of the program costs which could be greater than 50% of the program costs.</p> <p>Fees assessed and collected by the CUPA for the UST program are not adequate to cover the necessary and reasonable costs incurred by the CUPA in administering Chapter 6.7 of the Health and Safety Code.</p> <ul style="list-style-type: none">• The UST closure permit fee is \$198.00/tank and \$75.00 for each additional tank. For a three tank system, the fee equates to \$348.00 for 5.8 hours of work. The fees collected include work for plan review, permit issuance, submittal review including sampling reports, work site inspections (this is an inspection program not a visit program), and preparation of closure documentation. The typical amount of time that is necessary to adequately perform this activity is 9.0 hours (excluding travel).• The CUPA confirmed that an owner/operator is assessed a plan check fee for new construction of UST facilities. The fee assessed for a plan check is \$115.00. The fee is based on an hourly rate of \$60.00 which equates to 1.92 hours of work. This fee is not sufficient to properly implement the UST program element of the CUPA program. The typical amount of time that is necessary to adequately perform these tasks is 20.0 hours (excluding travel).• The annual permit fee is \$150.00 for the first tank and \$96.00 for each additional tank. For a three tank system, the CUPA assesses \$342.00 for 5.7 hours of work plus the state	
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	<p>surcharge fees. This fee includes the time spent to review documents (reviewing CERS, prepping for inspection and/or follow up from inspections), conducting the annual compliance inspection and follow-up, review of all UST testing and certification documentation, CERS input of inspection, violation, and enforcement data, and permit review/issuance. This fee is not sufficient to properly implement the UST program element of the CUPA program. The typical amount of time per facility to complete these tasks annually is 10.0 (excluding travel).</p>	
	CITATION:	
	HSC, Chapter 6.11, Section 25404.5(a)(2)(A) HSC, Chapter 6.7, Section 25287(a) [CalEPA, SWRCB]	
5.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not managing UST information necessary to implement the Unified Program.</p> <p>The inspection, violation, and enforcement information in the Annual Inspection and Enforcement Summary Reports, self-audits, and the Biennial Underground Storage Tank Program Report (Report 6) are not consistent with each other.</p> <ul style="list-style-type: none">Fiscal Year (FY) 2011/2012<ul style="list-style-type: none">Annual Inspection Summary Report identified 34 inspections had been conducted. The self-audit identified 38 inspections had been conducted. Report 6 identified 25 inspections had been conducted.	<p>By May 20, 2015, the CUPA will submit their violation, and enforcement information into CERS for FY 2013/2014 and the next two reporting quarters.</p> <p>Note: After the November 2014 evaluation, the CUPA has been submitting inspection, violation, and enforcement information into CERS for FY 2013/2014 and the next two reporting quarters.</p>

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	<ul style="list-style-type: none"> ○ Annual Enforcement Summary Report identified one facility with a class II violation, 12 facilities with minor violations and one formal enforcement case. The self-audit identified zero class II violations, 15 minor violations, and zero formal enforcement cases. ● FY 2012/2013 <ul style="list-style-type: none"> ○ Annual Inspection Summary Report identified 20 inspections had been conducted. The self-audit identified 38 inspections had been conducted. Report 6 identified 43 inspections had been conducted. ○ Annual Enforcement Summary Report identified 18 minor violations. The self-audit identified 15 minor violations. 	
	CITATION:	
	CCR, Title 27, Section 15185(a) [SWRCB]	
6.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA did not report inspection, violation, and enforcement information to the Secretary on a quarterly basis. The CUPA did not report inspection, violation, and enforcement information for FY 2013/2014 by July 30, 2014.</p>	<p>By May 20, 2015, the CUPA will submit their inspection, violation, and enforcement information into CERS for FY 2013/2014 and the next two reporting quarters.</p> <p>Note: After the November 2014 evaluation, the CUPA has been submitting inspection, violation, and enforcement information into CERS for FY 2013/2014 and the next two reporting quarters.</p>
	CITATION:	
	CCR, Title 27, Section 15290(b) [CalEPA]	
7.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA did not complete a self-audit report by September 30 of each year. The CUPA submitted their FY 2013/2014 self-audit report to CalEPA on November 6, 2014.</p>	<p>By September 30, 2015, the CUPA will submit their FY 2014/2015 self-audit to CalEPA.</p>

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	CITATION:	
	CCR, Title 27, Section 15280 [CalEPA]	
8.	DEFICIENCY:	CORRECTIVE ACTION:
	The CUPA did not submit their FY 2013/2014 Annual Single Fee Summary Report to the Secretary by September 30, 2014. The CUPA submitted their FY 2013/2014 Annual Single Fee Summary Report to CalEPA during the CUPA evaluation on November 19, 2014.	By September 30, 2015, the CUPA will submit their FY 2014/2015 Annual Single Fee Summary Report to CalEPA.
	CITATION:	
	CCR, Title 27, Section 15290(a)(1) [CalEPA]	
*	DEFICIENCY:	CORRECTIVE ACTION:
	This deficiency is carried over from the 2011 evaluation.	This deficiency was considered corrected during the 2014 evaluation. The Siskiyou Area Plan was updated and reviewed by the CUPA in September 2014 and includes a pesticide drift protocol.
	The CUPA did not certify that their 2007 Area Plan was reviewed and that necessary revisions were made. Additionally, it is unclear whether all of the pesticide drift elements mandated by SB 391 have been addressed. The Area Plan review must be completed once every three years.	
	CITATION:	
	HSC, Chapter 6.95, Section 25503(c) [Cal OES]	
	CCR, Title 19, Section 2720(c)	
*	DEFICIENCY:	CORRECTIVE ACTION:
	This deficiency is carried over from the 2011 evaluation.	This deficiency was considered corrected during the 2014 evaluation. RMPs have been updated within the last five years.
	The CUPA is not ensuring that every California Accidental Release Prevention (CalARP) stationary source has a current risk	<ul style="list-style-type: none"> City of Tule Lake – January 2012

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	<p>management plan (RMP).</p> <p>CITATION: HSC, Chapter 6.95, Section 25534 [Cal OES] CCR, Title 19, Section 2735.4 (a) and 2745.10 (a)(1)</p>	<ul style="list-style-type: none"> City of Mt. Shasta – October 2010 <p>Other previously identified facilities with outdated RMPs have decreased chemical quantities and are no longer in the CalARP Program.</p>
<p>*</p>	<p>DEFICIENCY:</p> <p>This deficiency is carried over from the 2011 evaluation.</p> <p>The CUPA does not require all of its businesses that generate more than 100 kilograms of Resource Conservation and Recovery Act (RCRA) waste per month or more than one kilogram of RCRA acutely hazardous waste per month to obtain an active Environmental Protection Agency Identification (EPA ID) Number. If the business generates more than 100 kilograms of RCRA waste per month or more than one kilogram of RCRA acutely hazardous waste per month, then the business must get an EPA ID number.</p> <p>CITATION: CCR, Title 22, Section 66262.12 [DTSC]</p>	<p>CORRECTIVE ACTION:</p> <p>This deficiency was considered corrected during the 2014 evaluation. The CUPA is ensuring that HWG facilities are obtaining an EPA ID number.</p>
<p>*</p>	<p>DEFICIENCY:</p> <p>This deficiency is carried over from the 2011 evaluation.</p> <p>The CUPA is not ensuring that all UST facilities have current financial responsibility (FR) forms. The SWRCB's file review indicated that the CUPA is not requiring its UST facilities to submit evidence of FR when renewing their operating permit.</p>	<p>CORRECTIVE ACTION:</p> <p>This deficiency was considered corrected during the 2014 evaluation. All UST facilities reviewed by SWRCB in CERS had updated FR documents.</p>

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DEFICIENCIES IDENTIFIED DURING EVALUATION

	CITATION:	
	N/A	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

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

1.	OBSERVATION:
	The CUPA uses CMHC (Unix-based) as its data management system. CMHC is an older data management system used to manage the following information: inspection dates, violation classifications, enforcement actions, return to compliance, single fee, permitting. It is also used to manage non-CUPA related programs such as medical waste, landfills, pools, immunizations, food facilities, animal control, and septic systems.
	RECOMMENDATION:
	CalEPA recommends that the CUPA evaluate whether their data management system is efficient in meeting the needs of the Unified Program.
2.	OBSERVATION:
	The CUPA has performed one formal enforcement action in the last three FYs (FYs 2011/2012 through 2013/2014). The CUPA referred one UST enforcement case to the District Attorney that resulted in a \$1000 penalty assessment.
	RECOMMENDATION:
	CalEPA recommends that the CUPA continue to implement formal enforcement against businesses with Class I violations.
3.	OBSERVATION:
	The CUPA's FY 2013/2014 self-audit report includes most of the required elements. The program deficiency section indicates that the CUPA corrected previous deficiencies, but does not indicate any current deficiencies with a plan of correction.
	RECOMMENDATION:
	CalEPA recommends that the CUPA include any observed deficiencies with a plan of correction, or a statement that no deficiencies were identified, into all future self-audits reports.

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

4. OBSERVATION: <p>The CUPA's HWG inspections fell short of their expectations in FY 2012/2013 and 2013/2014.</p> <ul style="list-style-type: none">• During FY 2011/2012, the CUPA conducted 177 routine inspections out of 177 facilities (100%).• During the FY 2012/2013, the CUPA conducted 122 routine inspections out of 191 facilities (64%).• During the FY 2013/2014, the CUPA conducted 58 routine inspections out of 191 facilities (30%). <p>The FY 2013/2014 HWG inspection data provided by the CUPA may not be accurate and reflective of the CUPA's actual number of inspections conducted during that time. The CUPA staff noted that the inspection data entered into the data management system may have been neglected for a period of time during FY 2013/2014 due to a vacant secretarial position. DTSC's file review supports this observation and indicates that the CUPA is maintaining at least a 2-year inspection frequency for the HWG program.</p> RECOMMENDATION: <p>DTSC recommends that the CUPA continue their efforts to meet the scheduled HWG inspection frequency.</p>
5. OBSERVATION: <p>The CUPA was able to demonstrate that the majority of the complaints that were referred by DTSC since November 2011 were tracked. Follow-up documentation and/or status updates could be found for Complaint No. 14-0314-0124, 12-0214-0088, 13-0613-0425, 12-1012-0605, 12-1012-0596. Follow-up documentation could not be found for Complaint No. 13-1013-0692.</p> RECOMMENDATION: <p>DTSC recommends that the CUPA follow-up on Complaint No. 13-1013-0692. Contact Nancy Lancaster at DTSC via nancy.lancaster@dtsc.ca.gov to get information about the case. In addition, DTSC recommends that the CUPA include the EPA Case # of each complaint into the appropriate facility file for easier tracking.</p>
6. OBSERVATION: <p>Fifteen HWG facility files were reviewed. The HWG inspection checklist adequately covers the regulatory requirements for the HWG program and includes a section to document consent. The</p>

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OBSERVATIONS AND RECOMMENDATIONS

	<p>inspection reports reviewed include adequate observations, factual basis of violations, and corrective actions. The inspection reports did not document the type of HWG facility (small quantity generator, RCRA large quantity generator, tiered permitting) or include an EPA ID number.</p>
	RECOMMENDATION:
	<p>DTSC recommends that the CUPA document the type of HWG facility and include an EPA ID number on all HWG inspection reports.</p>
7.	OBSERVATION:
	<p>The CUPA utilizes a single inspection checklist/report for all program elements. The ASPA, CalARP, and UST portions of the inspection checklist/report do not contain enough criteria to conduct a thorough and complete ASPA, CalARP, and UST inspections.</p> <p>For APSA inspections, OSFM observed that there is only one SPCC plan checklist item listed under "Documentation & Record Keeping" when there should be more. Completed inspection reports did not indicate whether an SPCC plan was current, onsite, and reviewed by the inspector. While the CUPA inspector is very knowledgeable of APSA law and the facilities inspected, there is little evidence, written or otherwise, to show that adequate criteria was used for APSA inspections.</p> <p>For UST inspections, SWRCB observed that the checklist does not capture release detection or release prevention criteria. Inspectors manually input release detection or release prevention information into the CMHC data management system using "SAL" codes.</p>
	RECOMMENDATION:
	<p>Cal OES recommends that the CUPA use a more comprehensive CalARP checklist with program violation citations. CalARP inspection checklists for program levels 1, 2, and 3 developed by the CUPA Forum Board found at http://www.calcupa.net/technical/inspection_and_enforcement/icp/.</p> <p>OSFM recommends that the CUPA use an APSA specific inspection report for APSA inspections. The CUPA may use the standardized APSA inspection checklist developed by the CUPA Forum Board found at http://www.calcupa.net/technical/inspection_and_enforcement/icp/.</p> <p>SWRCB recommends that the CUPA use an UST specific inspection report for UST inspections. The CUPA may use the standardized UST inspection checklists developed by the CUPA Forum Board found at http://www.calcupa.net/technical/inspection_and_enforcement/icp/. The CUPA Forum Board web site has a checklist for 1) double-walled facilities, 2) single-walled facilities, and 3) full which captures both double-walled and single-walled facilities. Additionally, the UST inspection checklists have detailed</p>

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OBSERVATIONS AND RECOMMENDATIONS

criteria that will help new inspectors conduct thorough annual compliance inspections. Reporting violations to CERS will also be more efficient because the violation codes for each violation are the same as the violation library codes.

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EVALUATION: **FINAL SUMMARY OF FINDINGS**

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- 1. EMERGENCY RESPONSE EXERCISE** – The CUPA coordinated a full scale, hazardous materials and CHEMPACK drill with members of the Shasta Cascade Hazardous Materials Response Team (SCHMRT), California highway Patrol, CAL FIRE, Office of Emergency Services, public health nursing, and medical responders. A drone was in the air to take footage and track the hazmat plume as it traveled down the river. “FireWhat,” a geographic information systems (GIS) company, provided real-time GIS mapping of the plume that was also viewable by the first responders on the computer. 165 multi-agency participants were able to interact and gain a better understanding of what to expect during an emergency and identify weak points that can be improved for future incidents.