



Edmund G. Brown Jr.  
Governor

Matthew Rodriguez  
Secretary for Environmental Protection

Certified Mail: 7014 1200 0001 5649 0806

April 13, 2015

Mr. Tejinder Maan  
Director of Environmental Health  
Yuba County Environmental Health Department  
915 8th Street, Suite 123  
Marysville, California 95901

Dear Mr. Maan:

On February 10 - 11, 2015, the California Environmental Protection Agency (CalEPA), 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 Yuba County Environmental Health Department 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 meet Unified Program standards..

Due to a delay in the final report, CalEPA will require the first update to be submitted 60 days after the issuance of this final report and every 90 days thereafter to document progress of the CUPA towards correcting identified deficiencies. The first Deficiency Progress Report is due June 11, 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](mailto: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>

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During the evaluation, CalEPA also noted the CUPA has worked to bring about a number of local program innovations, including the use of an Annual Hazardous Materials Program Updates and Certification Form to ensure that Unified Program information is electronically submitted to the California Environmental Reporting System.

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 for Local Program Coordination and Emergency Response  
California Environmental Protection Agency

Enclosure

cc sent via email

Mr. Clark Pickell  
Hazardous Materials Supervisor  
Yuba County Environmental Health Department  
915 8th Street, Suite 123  
Marysville, California 95901

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

Ms. Denise Gibson  
Senior Environmental Scientist, Specialist  
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

Mr. Tejinder Maan  
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cc sent via email

Ms. Alexis Elliott  
Environmental Scientist  
California Office of Emergency Services  
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Mather, California 95655

Ms. Laura Fisher, Chief  
State Water Resources Control Board  
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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  
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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



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CERTIFIED UNIFIED PROGRAM AGENCY  
**FINAL SUMMARY OF FINDINGS**

<b>EVALUATION DATE(S):</b>	<b>February 10-11, 2015</b>				
<b>CUPA:</b>	<b>Yuba County Environmental Health Department</b>				
<b>EVALUATION TEAM MEMBERS:</b>	<b>CalEPA Team Lead</b>	<b>DTSC</b>	<b>Cal OES</b>	<b>SWRCB</b>	<b>CAL FIRE - OSFM</b>
	Kareem Taylor	N/A	Edward Newman Alexis Elliott	Sean Farrow	Denise Gibson

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

**meet Unified Program standards.**

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: June 11, 2015**

**Update 2: September 11, 2015**

**Update 3: December 11, 2015**

**Update 4: March 11, 2016**

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

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not conducting hazardous waste generator (HWG) inspections with a frequency consistent with their Inspection and Enforcement (I &amp; E) Plan. The CUPA has not inspected all HWG facilities at least once every three years. During fiscal years 2011/2012 through 2013/2014, the CUPA performed 236 inspections out of 320 HWG facilities (74%). Approximately 84 HWG facilities have not been inspected at least once every three years.</p> <p>The CUPA has identified the HWG facilities that are past due for inspection.</p>	<p>By June 11, 2015, the CUPA will have inspected the HWG facilities that have not been inspected within the last three years.</p>
	<b>CITATION:</b>	
	CCR, Title 27, Section 15200 (a)(3) [CalEPA]	

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### PROGRAM 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.*

<b>1. OBSERVATION:</b>
The California Accidental Release Prevention (CalARP) inspection frequency for Linda County Water District is past due by four months. Every stationary source required to be registered pursuant to title 19, chapter 4.5 should be inspected at least once every three years.
<b>RECOMMENDATION:</b>
Cal OES recommends that the CUPA perform a CalARP inspection at Linda County Water District in accordance with Title 19, section 2775.3. Please continue to inspect each CalARP facility at least once every three years.
<b>2. OBSERVATION:</b>
Two International Code Council (ICC) certified inspectors are used to witness annual underground storage tank (UST) monitoring certifications. Using two inspectors allows the CUPA to cover more certification criteria more efficiently. An additional inspector allows for more efficient inspections of other program elements a facility may be regulated by.
<b>RECOMMENDATION:</b>
None
<b>3. OBSERVATION:</b>
The SWRCB reviewed the CUPA's I & E plan and UST inspection standard operating procedures. While both documents have procedures for conducting a UST annual compliance inspection during an annual monitoring certification, neither addresses a UST compliance inspection where inspectors do not witness the annual monitoring certification.
<b>RECOMMENDATION:</b>
SWRCB recommends that the CUPA update their I & E plan and UST inspection standard operating procedures to include a procedure for conducting a UST compliance inspection in the event that inspectors cannot witness the annual monitoring certification.

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### PROGRAM OBSERVATIONS AND RECOMMENDATIONS

<b>4.</b>	<b>OBSERVATION:</b>
	<p>The CUPA's Area Plan is current. The Area Plan does not include information about OSFM's role in enforcing state pipeline safety, and fire and life safety standards.</p>
	<b>RECOMMENDATION:</b>
	<p>OSFM recommends that, during the next Area Plan update, the CUPA adds additional statements relating to OSFM resources available during natural disasters, etc. Below are statement examples that may be included:</p> <ul style="list-style-type: none"><li>• "The Office of the State Fire Marshal enforces state pipeline safety standards and may assume lead agency status for intrastate pipeline incidents."</li><li>• "The Office of the State Fire Marshal's Fire and Life Safety Division determines building safety standards and responds to incidents such as natural disasters, etc., that lead to building destruction."</li></ul>
<b>5.</b>	<b>OBSERVATION:</b>
	<p>The CUPA's self-audit reports have a "Uniform Fire Code" section that is unnecessary. The Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) programs are covered by the requirements of the business plan program as stated in the self-audit reports.</p>
	<b>RECOMMENDATION:</b>
	<p>OSFM recommends that the CUPA remove the "Uniform Fire Code" section in future self-audit reports. The term "Uniform Fire Code" is incorrect and should no longer be used. A fire code section (would be "California Fire Code") is unnecessary because the CUPA is not a fire agency. Hazardous Materials Management Plan and Hazardous Materials Inventory Statement programs are covered by the requirements of the business plan, so it may be more appropriate to include California Fire Code referrals in the business plan section of the report.</p>

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- 1. INSPECTION VERIFICATION FORM** – The CUPA uses an inspection verification form for each program to confirm that a regulated business has given permission to conduct an inspection and to take photos. The form notifies the business that a finalized inspection report, a summary of violations and required corrective actions, if any are determined, and a comment page noting suggestions and observations will be mailed. This form clearly documents a regulated business’s consent to an inspection and the notification of what will occur during and after the inspection.
- 2. PROGRAM UPDATES AND CERTIFICATION FORM** - To ensure that all regulated businesses electronically submit required information to the California Environmental Reporting System (CERS), the CUPA proactively decided to submit required information on behalf of their businesses. Many business owners in the county consider electronic reporting difficult, so the CUPA allows businesses to submit an “Annual Hazardous Materials Program Updates and Certification Form” along with the required information so that CUPA staff may electronically enter it into CERS. A business owner that signs the form certifies that the Inventory Statement, Business Emergency Response/Contingency Plan, Facility Site Map, and Aboveground Storage Tank Statement, if applicable, have been reviewed for accuracy and completeness. By signing the form and submitting the required information, the business is giving consent to the CUPA to authorize submittal of all reporting requirements to CERS. Many businesses are in compliance with their reporting requirements because the CUPA uses this form. 94% of business plan facilities have submitted inventories into CERS.
- 3. OUTSTANDING CERS IMPLEMENTATION** - The Yuba County CUPA was the first CUPA to meet all three goals SWRCB set for CERS implementation. This implementation includes accurate counts of existing UST facilities compared to Report 6, the review and verification of CERS submittals for every UST facility, and the reporting of compliance, monitoring, and enforcement data in CERS for every UST facility.
- 4. CUPA OUTREACH** - Yuba County CUPA is involved in a number of groups to coordinate, consolidate, and to make consistent the Unified Program.

#### Clark Pickell

- Northern California UST Technical Advisory Group (TAG) Co-Chair
- Northern California CUPA Forum member
- CUPA Forum Board Chairman (2012-13), Vice Chair (2011-12), Secretary (2010-11), Treasurer (2009-10)
- Operations Committee member of the Yuba/Sutter Hazardous Material Response Team

#### Gary Cantwell

- LEPC Region III CUPA Ad Hoc member
- Operations Committee member of the Yuba/Sutter Hazardous Material Response Team
- CUPA Forum Emergency Response TAG member

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

## CERTIFIED UNIFIED PROGRAM AGENCY

### EVALUATION: **FINAL SUMMARY OF FINDINGS**

#### **EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

5. **RESOURCE EFFICIENCY** - The CUPA is very efficient with their personnel and technological resources. They use Envision and CERS for data entry, collection and retrieval. The CUPA staff are very computer “savvy” and use their data management systems to their fullest potential. The implementation of the APSA program including inspections has been exceptional due to the efficient use of data management systems. The CUPA has fostered a good relationship with handlers and owners/operators of APSA facilities, including farms and other exempt facilities. The CUPA inspects all farms and other exempt facilities. The CUPA is done an excellent job ensuring that facilities within their jurisdiction are appropriately regulated under the applicable programs.
  
6. **INTERAGENCY RELATIONSHIP WITH FIRST RESPONDERS** - The CUPA was once a part of the County Office of Emergency Services, and has recently moved over to the Environmental Health- Community Development and Services Agency, but continues to have close ties with the local Office of Emergency Services. The good relationship between the CUPA and local first responders allows for easier communication and information exchange when incidents occur.