



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

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May 8, 2015

Ms. Leslie Lindbo, Director
Yolo County Environmental Health
137 North Cottonwood Street, Suite 2400
Woodland, California 95695

Dear Ms. Lindbo:

On January 27-28, 2015, the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC), the California Office of Emergency Services (Cal OES), and the CAL FIRE - Office of the State Fire Marshal (OSFM) conducted a Unified Program evaluation of the Yolo 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.

Due to a delay in the final report, CalEPA will require the first update to be submitted 30 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 8, 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, Samuel.Ferris@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 electronic technology at the CUPA in the form of online meetings with facility owners and the use of computer tablets to conduct inspections.

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, Samuel Ferris, at (916) 322-2155 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

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Mr. John Paine
Unified Program Manager
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Mr. Samuel Ferris
Unified Program Evaluation Team Lead
California Environmental Protection Agency

CERTIFIED UNIFIED PROGRAM AGENCY
FINAL SUMMARY OF FINDINGS

EVALUATION DATE(S):	January 27-28, 2015				
CUPA:	Yolo County Environmental Health Division				
EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	SWRCB	CAL FIRE - OSFM
	Samuel Ferris	Asha Arora	Ed Newman and Alexis Elliott		Jenna Yang

This **FINAL SUMMARY OF FINDINGS** includes:

- deficiencies identified during the evaluation
- program observations and recommendations
- an example 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 the **CalEPA Evaluation Team Lead**.

The CUPA is required to submit a **Deficiency Progress Report every 90 days** from the last day the evaluation is conducted, until all deficiencies have been acknowledged as corrected. Due to a delay in the final report, CalEPA will require the first update to be submitted 30 days after the issuance of the final report and every 90 days thereafter.

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 8, 2015

Update 2: September 8, 2015

Update 3: December 8, 2015

Update 4: March 8, 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>Yolo County CUPA did not inspect all of the California Accidental Release Prevention (CalARP) program facilities at least once every three years. Of the 14 existing CalARP facilities, one was inspected in fiscal year (FY) 2013/2014 and two were inspected in FY 2014/2015.</p>	<p>By March 8, 2016, the CUPA will ensure that each facility is inspected at least once every three years by inspecting the remaining 11 CalARP facilities that are currently due for an inspection. As part of the CUPA's corrective action plan, the CUPA decided to train another inspector to assist with CalARP facility inspections. The CUPA will provide quarterly progress update reports to CalEPA including the number of inspections performed and if necessary any pending enforcement actions that were taken.</p>
	<p>CITATION: CCR, Title 19, Section 2775.3 [Cal OES]</p>	
2.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>During the DTSC oversight inspections the CUPA inspector did not conduct a complete tiered permitting (TP) inspection or a hazardous waste generator (HWG) inspection.</p> <p>The DTSC state evaluator selected the University of California, Davis (UCD) Microfabrication Facility (treatment unit), located in Davis, for the TP oversight inspection on 1/7/15. During the TP inspection the CUPA inspector did not conduct a complete TP inspection. Only a walkthrough of the treatment unit was conducted for the following reasons:</p> <ul style="list-style-type: none"> It was not clear if UCD was treating hazardous waste (HW) any longer because UCD had not made a HW determination for the waste streams that were being treated. However, in 2006, UCD submitted an onsite hazardous waste treatment notification to the CUPA under a conditionally authorized (CA) tier to treat onsite generated hazardous waste. The CUPA has not inspected the 	<p>By June 8, 2015, the CUPA will ensure that their inspectors receive general HWG training that includes, at a minimum but not limited to, training on basic generator requirements. The CUPA will also contact DTSC to schedule a TP refresher training course.</p> <p>Immediately, the CUPA will ensure that its staff conducts inspections in a manner consistent with statute/regulations for businesses subject to the HWG and TP programs.</p> <p>The CUPA will conduct a complete inspection of UCD's treatment unit once the CUPA receives a response from UCD regarding the HW determination results. The CUPA will submit a copy of the inspection report to CalEPA with the first progress report.</p> <p>By September 8, 2015, the CUPA will ensure that the TP refresher training course is completed. The CUPA will submit to CalEPA copies of the training certificates or sign in sheets of those who have completed the training course.</p>

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treatment unit since then.

- In addition, the CUPA inspector was not familiar with all the TP rules for CA tier facilities. After a discussion with the DTSC evaluator, the CUPA inspector decided to limit the scope of the TP inspection to only citing the facility with a violation for not making a HW determination. If it is determined HW is currently being treated at this treatment unit, then the CUPA will return to conduct a complete TP inspection. A TP inspection also includes a HWG portion of the inspection.

During the HWG inspection on 1/7/15 at Davis Flight the CUPA inspector:

- Incorrectly cited Davis Flight with a violation for not conducting daily tank inspections and retaining written records of those inspections.
Woodland Aviation and Davis Flight are two separate HWGs located at the same address. Woodland Aviation owns the used oil tank. Both Woodland Aviation and Davis Flight add their used oil to the same tank. Since Davis Flight does not own the tank it is incorrect to cite Davis Flight with not conducting daily tank inspections and retaining written records of those inspections. According to the facility operator the same CUPA inspector had informed them during past inspections that it was alright to mix used oil from the two facilities into the same tank located at the same address.
- Did not cite Davis Flight with a violation for accepting offsite HW from airport tenants (offsite facilities). Davis flight accepts used oil, used oil filters, brake fluids, hydraulic oil, and batteries from airport tenants. Davis Flight adds

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	<p>collected used oil from tenants to the used oil tank owned by Woodland Aviation. In addition, cleaners and solvents were accepted by Davis Flight. As per a county memorandum of understanding/amendment Davis Flight was allowed to pick up HW left by any airport tenants. However, Davis Flight has not been authorized by DTSC to accept HW from offsite facilities. See observation #10 for additional discussion and resolution.</p>	
	<p>CITATION:</p> <p>CCR, Title 27, Section 15200(b) HSC, Sections 25201 and 25200.3 CCR, Title 22, Section 66262.34(d)(2), 40CFR, 265.201 [DTSC]</p>	
3.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA was unable to demonstrate that they investigated every complaint referred to them by DTSC as stated in their Inspection and Enforcement (I&E) plan.</p> <p>On January 27, 2015, the CUPA was unable to demonstrate if the CUPA had investigated three (3) out of seven (7) DTSC referred complaints.</p>	<p>The CUPA will follow their I&E plan and follow-up with each complaint referred by DTSC.</p> <p>By June 8, 2015, the CUPA will provide follow-up documentation for the outcome of the following complaints referred by DTSC.</p> <ul style="list-style-type: none"> • 13-1013-0701 • 13-0713-0451 • 13-0513-0368
	<p>CITATION:</p> <p>CCR, Title 27, Section 15200(a)(13) [DTSC]</p>	

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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:
On page 14-15 of the draft Area Plan, number 6 for the Aboveground Storage Tanks section states the following which are incorrect or outdated: <ul style="list-style-type: none">• Aboveground Storage Tanks (Uniform Fire Code; H&SC Chapter 6.67;...)• Businesses that are not in compliance with SPCC requirements can be referred to the Regional Water Quality Control Board...• In addition to the SPCC, some fire agencies in Yolo County require permits for ASTs and ...the tanks are inspected for compliance with the Uniform Fire Code and local ordinance.• In 2006-2007, there are 200 facilities within the County regulated under this program.
RECOMMENDATION:
OSFM recommends that the CUPA review and update their Area Plan to reference the California Fire Code instead of the Uniform Fire Code, update the current number of regulated APSA facilities, and remove the phrase referring SPCC non-compliance to the Regional Water Quality Control Board. The CUPA should also clarify that tanks inspected for compliance under the California Fire Code are conducted by the fire agencies, not the CUPA.
2. OBSERVATION:
On page 16, 35, and 49 of the I&E Plan, the APSA program and violations are referenced as Health and Safety Code (HSC) Section 25270.5. HSC Section 25270.5 is the section that mandates triennial inspections of APSA facilities with 10,000 gallons of petroleum or more.
RECOMMENDATION:
OSFM recommends that the CUPA review these pages and update the references in the I&E Plan to either, HSC Chapter 6.67, Section 25270 or 25270.12, whichever is more appropriate.
3. OBSERVATION:
The CUPA has conducted a one-time inspection at conditionally exempt APSA facilities and created a data sheet for each facility. Future routine inspections are conducted by staff from the Department of Agriculture who verify that nothing has changed in comparison to the data sheets.
RECOMMENDATION:
OSFM recommends that the CUPA ensure inspectors from the Department of Agriculture complete and pass the APSA training course and exam, if in the future, they conduct APSA inspections other than for “verification” at APSA tank facilities with aggregate storage capacities of 10,000 gallons or more of

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	<p>petroleum. Otherwise, the inspection must be conducted by CUPA staff who have already completed and passed the APSA training course.</p>
4.	<p>OBSERVATION:</p> <p>Under “Additional Resources on Aboveground Storage Tanks” on the CUPA’s APSA webpage, the link to CalEPA directs the user to a CalEPA webpage that no longer contains relevant information about the APSA program. OSFM’s contact information is not included either.</p> <p>RECOMMENDATION:</p> <p>OSFM recommends that the CUPA update their webpage to include OSFM contact information and redirect the web link to OSFM’s webpage at: http://osfm.fire.ca.gov/cupa/apsa.php.</p>
5.	<p>OBSERVATION:</p> <p>The CUPA is providing fire agencies and first responders with hazardous materials business plan (HMBP) information in an agreed upon format and timeframe such as providing compact discs (CDs) with HMBP information on either a quarterly, semi-annual, or annual basis.</p> <p>RECOMMENDATION:</p> <p>OSFM recommends that the CUPA continue providing the CDs to fire agencies and first responders, but to also inform and train the fire agencies and first responders about CERS to determine if it may become a useful tool for them to use as well.</p>
6.	<p>OBSERVATION:</p> <p>The CUPA’s inspectors are not consistently documenting the facility’s Environmental Protection Agency Identification (EPA ID) number on HWG and TP inspection reports.</p> <p>RECOMMENDATION:</p> <p>DTSC recommends that the CUPA include EPA ID numbers on the inspection reports for all HWG and TP inspections.</p>
7.	<p>OBSERVATION:</p> <p>While reviewing facility submittals and inspection, violation, and enforcement data in CERS, it appears the CUPA has facilities in the CalARP and APSA program elements that are still regulated by the CUPA but are not considered “Applicable” program elements for the facility. This may have been a result of seeding data from the CUPA’s previous data management system into CERS.</p>

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	<p>RECOMMENDATION:</p> <p>CalEPA recommends that the CUPA cross-reference and double check facility information and the applicability list of regulated programs for each facility in CERS, and add all regulated program elements to each facility as necessary. CalEPA also recommends that the CUPA cross-reference and make inactive those facilities that have closed since the original seeding took place. The CUPA may need to contact the facility owner or CERS helpdesk to assist with adding applicable program elements to a facility or to inactivate a facility if they have closed.</p> <p>The CERS helpdesk contact information is: cers@calepa.ca.gov</p>
8.	<p>OBSERVATION:</p> <p>The CUPA reported inconsistent numbers of HWG facilities as 902 in the Self-Audit, 813 in the I&E Plan, and 884 in CERS. DTSC's Hazardous Waste Tracking System (HWTS) tracks the total number of HWGs that manifested hazardous waste with an active EPA ID number. The HWTS reports 1,117 active HWGs with active EPA ID numbers.</p> <p>The CUPA also reported a varied number of CalARP facilities. These reports provided the following CalARP facility counts: The FY 2013/2014 Self-Audit reported 12, both the I&E Plan and EnvisionConnect reported 14, and CERS reported 17.</p> <p>RECOMMENDATION:</p> <p>DTSC and Cal OES recommends that the CUPA reconcile the difference of active facilities within the CUPA's jurisdiction. DTSC recommends that the CUPA continue to use DTSC's HWTS as a reference of active HWGs and add the necessary HWGs to the CUPA's list of regulated facilities as necessary. Cal OES confirmed with the CUPA that there are 14 CalARP facilities and recommends that the CUPA review and revise the Self-Audit reports and CERS to reflect the correct facility count.</p>
9.	<p>OBSERVATION:</p> <p>Yolo County CUPA's website has some obsolete information that needs to be updated:</p> <ul style="list-style-type: none">• The PBR form is an old version and is missing a number of waste streams starting from number 13 onwards• The website has a subheading of "Hazardous Materials/Hazardous Waste Business Plan & Inventory," that lists the number of HWG facilities as "close to 700" and• The information for obtaining a California EPA ID number is duplicated <p>RECOMMENDATION:</p> <p>DTSC recommends that the CUPA review and update their website with current information to correct the above list of observations.</p>

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10.	OBSERVATION:
	Davis Flight provided the CUPA with copies of the Agreement Memo No. 09-A02 and Amendment #1 between the Yolo County Counsel and Davis Flight during the oversight inspection. Amendment #1 states that Davis Flight is allowed to receive hazardous waste from airport tenants (offsite facilities). The county counsel cannot allow Davis Flight to receive hazardous waste from airport tenants using an agreement memo/amendment without also getting authorization from DTSC.
	RECOMMENDATION:
	DTSC recommends that the CUPA discuss the issue with the county counsel and the facility to resolve this issue.
	To accept these types of wastes from tenants, Davis Flight needs to become a permanent household hazardous waste collection facility (PHHWCF). A PHHWCF needs to be sponsored by a local agency (i.e. City of Davis, Yolo County, etc.). A completed notification is required to be submitted to the Yolo County CUPA to obtain authorization.
	Davis Flight's second option is to not accept hazardous waste from tenants in order to stay in compliance.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. USE OF TECHNOLOGY

Yolo County Environmental Health Division CUPA has implemented a creative way to assist facilities with registering or submitting data in CERS. When a facility contacts the CUPA by telephone the inspector prompts the facility to initiate an online GoTo Meeting connection. After establishing a remote meeting connection in real-time with the facility, the inspector is then able to view the facility's CERS actions instantaneously and guides the facility through the actions in question. The CUPA reported this as an efficient and economical way to use modern technology to assist the locally regulated community without having to ask the facility operator to come into the office or the inspector to go out to the facility. Facilities have also been very receptive to the real-time meeting connection with the CUPA to have their questions regarding CERS answered in a timely manner.

Within the last fiscal year the CUPA has acquired computer tablets to conduct inspections. The use of tablets allows for instant upload capability of inspection reports and other documents into the CUPA's database management system and CERS. The use of the new tablets also allows the inspector to access the Internet, take photographs during an inspection, and email documents to the facility or CUPA office. The use of this technology also encourages the trend toward becoming a paperless program.