



Preparing for a CUPA Performance Evaluation via the Self-Audit

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How we got to where we're at!

- Riverside County Overview
- Change in evaluation process
- Past Self-Audit Process
 - Isolated
 - Pencil-whipped?
- Advent of CERS
- Required some changes



Riverside County Self-Audit Process

- Roadmap
- 2-Part Process
- Self-Audit **Checklist**
- Self-Audit **Summary**





SUBJECT: Public Participation

PROGRAM APPLICATION:	HAZARDOUS MATERIALS MANAGEMENT BRANCH
PURPOSE:	To inform Riverside County, Department of Environmental Health, Hazardous Materials Management Branch (HMMB) of the public right to participate to the extent allowed by law when creating or updating California Health and Safety Code and California Code of Regulations and Riverside County Ordinances.
REFERENCE:	Government Code, Title 3, Section 25120 – 25132; Riverside County Board of Supervisors, Policy A-2; California Code of Regulations, Title 19, Section 2745.2
GUIDELINES:	<p>The following information shall be followed by all employees involved in the CUPA program:</p> <p>County Ordinances as per Government Code, Title 3, Section 25120 – 25132, allow time for public review of an ordinance before it is voted on by the Board of Supervisors.</p> <p>Riverside County Board of Supervisors' Policy A-2 allows for public comment on an Agenda item prior to a vote by the Board of Supervisors.</p> <p>For the Hazardous Materials Business Plan (HMBP) program, the CUPA follows the public participation procedures described below:</p> <p>Within 15 calendar days after the CUPA determines that a HMBP is eligible for exemption pursuant to HSC 25507(d) for Public Safety Power Shut-off events, the CUPA shall make the HMBP exemption form "Hazardous Materials Business Plan Exemption Application For Temporary Emergency Generator Deployment" available to the public for review and comment by publishing a notice in a local newspaper of general circulation, or on the CUPA's website. The public shall have 15 calendar days to comment following the publication date of the notice. The CUPA shall review all public comments.</p> <p>For the California Accidental Release Prevention (CalARP) program, The CUPA follows the public participation procedures described below:</p> <p>Within 15 calendar days after the CUPA determines that the risk management plan (RMP) is complete, the CUPA shall make the RMP available to the public for review and comment by publishing a notice in a local newspaper of general circulation, or on the CUPA's website. The notice shall describe the RMP and state a location where it may be reviewed. The CUPA shall directly notify individuals and organizations who have specifically requested to be notified. The public shall have 45 calendar days to comment following the publication date of the notice. The CUPA shall review all public comments.</p>

2.0 Program Administration

- Ensure a frequent review of procedures for changes or updates, as necessary
 - Public Participation
 - Records Maintenance Procedures
 - Dispute Resolution Procedures
 - Information Request Response
 - Data Management Procedures
 - Permit Process



Agricultural Handler HMBP & PA

- Submission of additional information required? Yes
 - CUPA requires HMBP submission from Agricultural Handlers
- Two Participating Agencies (PA)
 - Conduct independent self-audits to include in the CUPA self-audit
 - Evaluated every 3 years in-person by the CUPA
 - This was an area that needed to be addressed as the CUPA is held responsible for the functions of the PA



3.0 Unified Program Consolidated Permit

- 3.2 Consolidated Permit Program Plan
- **3.2.2**
 - Does the consolidated permit include:
 - A list of the program element permits that make up the Consolidated Permit?
 - Agency responsible for issuing the Unified Program facility permit?
 - Identification of the permitted facility by business name and address?
 - The permit issuance date?
 - The expiration date of the permit?



3.0 Unified Program Consolidated Permit

- 3.2 Consolidated Permit Program Plan
- 3.2.2.6
- An addendum to identify any permit conditions for each applicable program element?
 - Printed on the back of the CUPA permit

PERMIT CONDITIONS

In order to maintain the operating permit, the permit holder must comply with the following:

- Hazardous Materials Business Plan Program:** California Health and Safety Code (HSC) Division 20, Chapter 6.95, Article 1, Title 19 of California Code of Regulations (CCR), and Riverside County Ordinance (RCO) No. 651.
- Accidental Release Prevention Program:** HSC Division 20, Chapter 6.95, Article 2, Title 19 CCR, RCO No. 651.
- Underground Storage Tank (UST) Program:** HSC Division 20, Chapter 6.7 sections 25280 - 25296 and 25298 - 25299.6, Title 23 CCR sections 2610 - 2717.7, and RCO No. 617.
 - The permittee must comply with routine monitoring listed on this permit.
 - The permittee must notify the Department within thirty (30) days after any changes in the usage of any UST including:
 - Changes in monitoring procedure; or
 - Change of owner/operatorThe Department may review, modify, or terminate the Permit to Operate upon receiving notification of the above changes.
 - The permittee must notify the Department in writing for approval at least 30 days before changing the substance currently stored in any UST.
 - The permittee must perform required maintenance and testing of all leak detection and prevention equipment and provide documentation of such testing to this Department in accordance with applicable regulations.
 - The permittee must obtain approval from this Department and all other governmental agencies with regulatory authority prior to modifying any UST system.
 - The permittee must submit annual permit fees and State surcharge fees.
 - Facilities will be inspected periodically as required by law for compliance with the above conditions. Any violation of the above conditions may be cause for revocation of the permit to operate.
- Aboveground Petroleum Storage Act (APSA)/Spill Prevention Control and Counter Measure (SPCC) Plan:** HSC Division 20, Chapter 6.67 and 40 Code of Federal Regulations Part 112.
- Hazardous Waste Generator Program:** HSC Division 20, Chapter 6.5, Title 22 CCR Division 4.5, and RCO No. 615.
- Tiered Permit - On-Site Hazardous Waste Treatment:** HSC Division 20, Chapter 6.5, Title 22 CCR Division 4.5, and RCO No. 615.

Possession of this permit should not be construed to allow violations of any laws, regulations, and/or ordinances.



4.0 Inspection & Enforcement Program

4.5 Unified Program Violations

- **4.5.1** Are violations returned to compliance within an appropriate timeframe?
 - Data driven question (4.5.1.1 & 4.5.1.2)



4.0 Inspection & Enforcement Program

4.5 Unified Program Violations

- **4.5.3** Is the CUPA escalating violations across all programs appropriately?
 - Data driven question



5.0 Single Fee System Accountability

- **5.2 Fee Accountability and Financial Management Program**
- **5.3 Participating Agency's Responsibilities within the Single Fee System**



6.0 Surcharge

- **6.1 Collection and Recordkeeping**
- **6.2 Remittance to the Secretary**



7.0 Unified Program Reporting



8.0 CUPA & PA Technical Expertise and Training



9.0 Disclosure Program

- 9.2 Business Plans
 - **9.2.1, 9.2.2, 9.2.4**
 - Overview of how effective the CUPA has been at implementing the business plan requirements



10.0 UST Program

- An overview of how effective the CUPA has been at regulating the UST program:
 - UST Permit Withholding for non-compliant tanks subject to enforcement action (HSC25285(b))
 - Inspector Qualifications
 - Report 6 Data
 - Red Tag Procedures



11.0 Aboveground Petroleum Storage Act (APSA) Program



12.0 Hazardous Waste & Tiered Permitting Programs

- An overview of how effective the CUPA has regulated Waste and Tiered Permitting facilities
 - Release reports from tank systems
 - Tiered permitting notifications
 - Contingency plan notification
 - Permit by Rule Facilities with FTU-related topics
 - 45-day review of PBR applications in CERS
 - Tanks assessments at LQG facilities



12.0 Hazardous Waste & Tiered Permitting Programs

12.2 Inspection & Enforcement

- **12.2.9:** Does the CUPA return facilities to compliance within the expected timeframe?
 - 30 days unless enforced upon in a graduated series of enforcement



13.0 CalARP Program

- Cal ARP audit is integrated into the overall audit
- An overview of how effective the CUPA has regulated the CalARP program
 - Risk Management Plan Audits & Public Review
 - CalARP Coordinators
 - Emergency Response Planning at Stationary Sources
 - Personnel Years to Implement the program



Metrics Across All Programs

The following slides cover general metrics to consider for each program for the following sections:

- **Section 9.0** - Disclosure
- **Section 10.0** - Underground Storage Tank (UST)
- **Section 11.0** - Aboveground Petroleum Storage Act (APSA)
- **Section 12.0** - Hazardous Waste and Tiered Permitting
- **Section 13.0** - CalARP



Metrics Across All Programs

- **9.3.1, 11.6, 12.2.4, 13.3.1**
 - Is the CUPA conducting inspections of all programs at least once every 3 years?
- **10.9.2**
 - Annually for UST facilities?



Metrics Across All Programs

- **9.3.2, 10.9.7, 11.7, 12.2.6, 13.3.2**
 - Is the CUPA properly classifying program violations?

- **9.3.3, 10.9.8, 11.8, 12.2.7, 13.3.3**
 - Is the CUPA escalating program violations appropriately?



Metrics Across All Programs

- **9.3.4, 10.9.9, 11.9, 12.2.8, 13.3.4**
 - Has the CUPA pursued enforcement options for all class I violations?



14.0 Areas of Improvement



Self-Audit Report & Summary



Overview/Lessons Learned

- Working document
- Collaboration of divisions within your agency
- Create/document decisions via a decision tree
- Collect resources on how/where to extract the data
 - Be consistent in your methods of data collection year after year
- CalEPA's evaluation may bring to light things that were missed in the audit – that's OK!
- Don't be afraid to take a deep dive into your program





Questions?

***Riverside County Department of Environmental Health –
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Certified Unified Program Agency

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