



Welcome!

**The CUPA Performance Evaluation
& Assessment Process**






March 21, 2023

TU-D2 1:00-4:45 PM



25th California Unified Program
Annual Training Conference
March 20-23, 2023

Introductions

State Agency	Presentation Information	Presenters
 CalEPA	Overview of Presentation Overview of Evaluation Process CalEPA Assessment	Tim Brandt Kaeleigh Pontif
 State Water Board	UST Program Assessment	Jenna Hartman
 CalEPA	HMBP Requirements and CalARP Program Assessment	Esmé Hassell-Thean Garett Chan Julie Unson
 OSFM	APSA Program Assessment	Denise Villanueva Mary Wren-Wilson Glenn Warner
 DTSC	HWG Program Assessment	Matthew McCarron



The CUPA Performance Evaluation Process & CalEPA Assessment

Tim Brandt, CalEPA Evaluation Team Lead

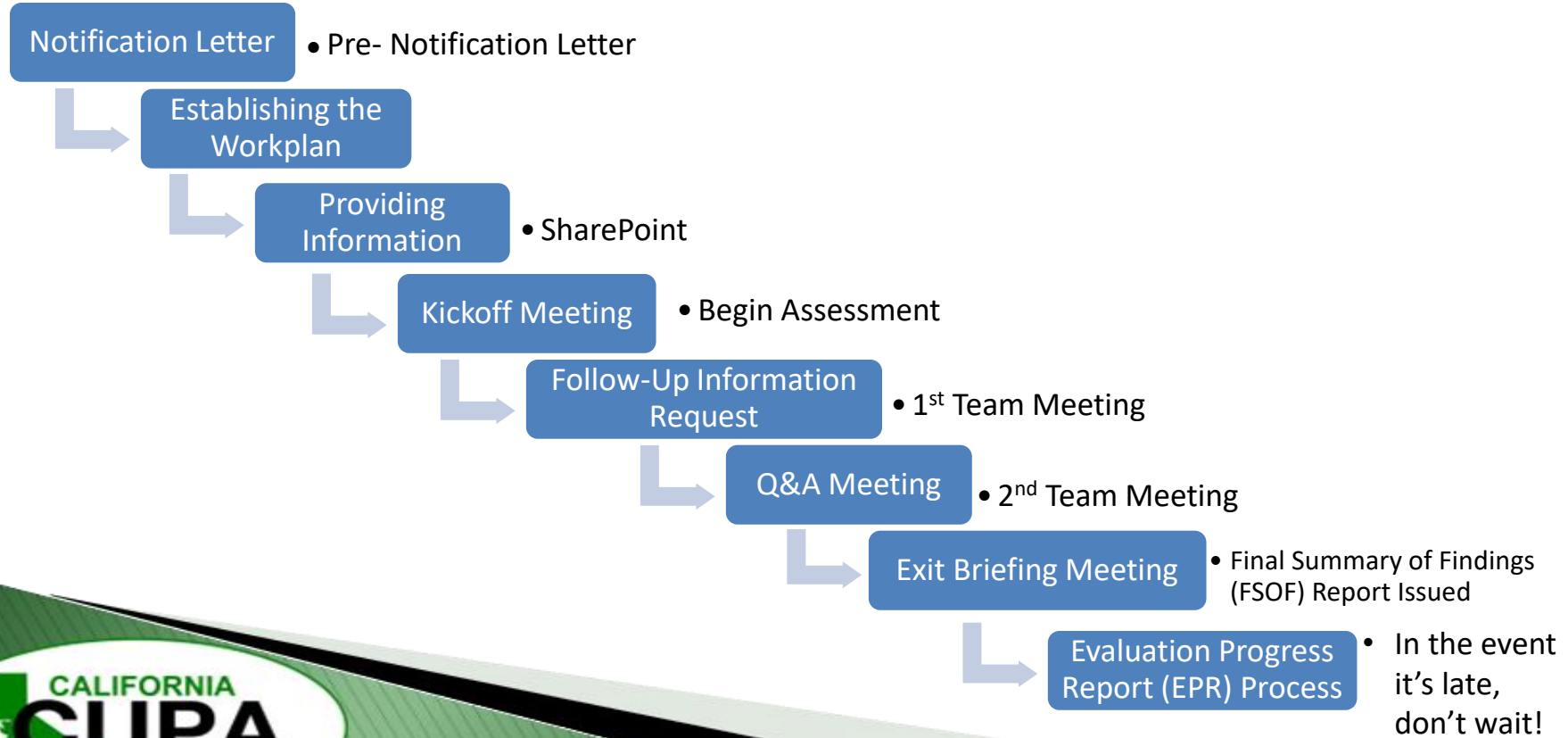


CalEPA





The Evaluation Process



Pre- Notification Letter Notification Letter

- Provides evaluation timeframe
- Formal Request for Information = 60 Days
 - Enclosure 1
 - Administrative Documents
 - Standard Operating Procedures
 - Enclosure 2
 - Documentation for select Facility Files
 - HMBP, CalARP, HWG, APSA, UST
 - DTSC referred complaints
 - Local ordinances



Gavin Newsom
 Governor
 Jared Blumenfeld
 Secretary for Environmental Protection

January 24, 2022

Mr. X|
 Hazardous Materials Program Coordinator
 CUPA
 123 Q Street
 Z, California 95000

The Certified Unified Program Agency (CUPA) triennial performance evaluation is scheduled to begin April 4, 2022. An evaluation team consisting of a representative from CalEPA, the Department of Toxic Substances Control (DTSC), CAL FIRE - Office of the State Fire Marshal (OSFM) and the State Water Resources Control Board (State Water Board), led by a CalEPA evaluator, will conduct the evaluation remotely.

The evaluation includes a remote pre-assessment of specific documents not otherwise available to the evaluation team, review of regulated facility file documentation and California Environmental Reporting System (CERS) data. To facilitate the pre-assessment process, the information requested in Enclosure 1 and Enclosure 2 should be electronically submitted to CalEPA by **March 28, 2022**.

The CalEPA evaluation team lead, Kaeleigh Pontif, will soon contact you to schedule meeting dates for establishing the evaluation workplan and to provide information on how to access CalEPA's Microsoft SharePoint site to electronically provide the information requested in Enclosure 1 and Enclosure 2. If for any reason access to the SharePoint site is not possible, please contact the CalEPA evaluation team lead to arrange for the requested documentation to be submitted via other secured means of file transfer, or by email to Kaeleigh.Pontif@calepa.ca.gov.

Evaluators from DTSC and the State Water Board may contact you to schedule oversight inspections associated with conducting the evaluation.

Should you have any questions regarding the CUPA performance evaluation process, please contact Melinda Blum at Melinda.Blum@calepa.ca.gov.

Sincerely,

John Paine
 Unified Program Manager



Establishing the Workplan

- CalEPA Team Lead works with CUPA to establish meeting dates:
 - Kickoff, Q&A and Exit Briefing
- Oversight and/or Verification inspections coordinated with CUPA
 - CalEPA, DTSC and/or State Water Board

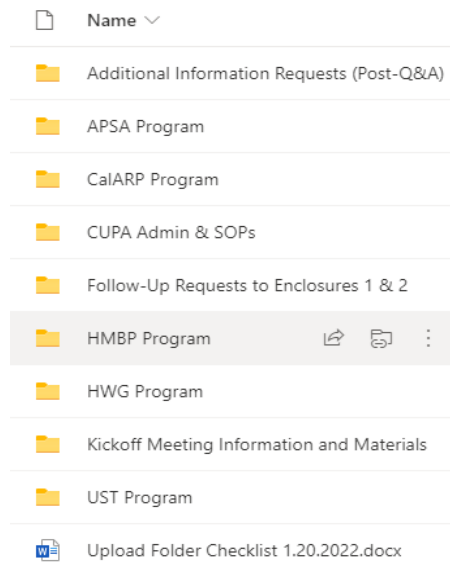


- Define deadlines for:
 - Supplemental Questionnaire
 - PRELIMINARY Summary of Findings (PSOF)
 - Additional Information Request
 - Providing Final Summary of Findings (FSOF)

Providing Information

SharePoint

- Secure access link and password
 - Provided by CalEPA Team Lead
- Organized File Structure
 - Follows Enclosures 1 and 2
- CUPAs can request state agency assistance to scan and/or upload





Kickoff Meeting, Begin Assessment

- Meet the Evaluation Team
- Meet the CUPA
- Overview of CUPA Program Implementation
- Discuss accomplishments and/or challenges since the last evaluation
- Review Supplemental Questionnaire
- Review Workplan
- SharePoint access



Follow-Up Information Request

After CUPA uploads to SharePoint:

- CalEPA Team Lead confirms all requested information was uploaded
 - Distributes evaluation information to State Evaluation Team
 - State Evaluation Team reviews uploaded information and notifies CalEPA Team Lead of missing information
 - Sends Follow-Up Request to CUPA to provide missing information
- CUPA provides missing information to SharePoint in the “Follow Up Information” folder
- State Team Continues Assessment and Begins Review of Information Provided
 - Develops Preliminary Summary of Findings (PSOF) Report
 - Discusses report at 1st Team Meeting



Questions & Answers (Q&A) Meeting



A facilitated review and discussion of:

- DRAFT PSOF Report
- Additional Information Requests
 - Identify any additional information needed to clarify any potential deficiencies/incidental findings
- Obtain proposed alternative corrective actions/resolutions and timelines
- State Evaluation Team has 2nd Team Meeting to discuss revisions to PSOF Report



Exit Briefing Meeting

- CUPA will receive a copy of the PSOF Report
 - One week prior to Exit Briefing meeting
- A facilitated review and discussion of the “final” *DRAFT Summary of Findings Report*
- Review proposed timeline for corrective actions and resolutions



...and Then

- PSOF Report has a final review by State Evaluation Team supervisors and generates the “final” *Summary of Findings Report (FSOF)*
- Program Implementation Rating is Determined
- FSOF is issued to CUPA
- Evaluation Progress Report (EPR) process begins

Evaluation Progress Report (EPR) Process

After FINAL Summary of Findings Report is issued to CUPA:

- Within 60 days, the 1st Evaluation Progress Report is due to CalEPA.
- Subsequent EPRs due to CalEPA every 90 days
 - We are flexible with the timeline.
 - We much prefer the CUPA to provide a substantiative report rather than rush to meet a deadline.

In the event it's late, don't wait!



Gavin Newsom
Governor
Jared Blumenfeld
Secretary for Environmental Protection

CERTIFIED UNIFIED PROGRAM AGENCY
Evaluation Progress Report #X

CUPA:

Evaluation Period: Month Year Notification Letter Sent through Month Year of Exit Briefing

Evaluation Team Members:

- CalEPA Team Lead: Name
- DTSC: Name
- CalEPA*: Name
- State Water Board: Name
- CAL FIRE-OSFM: Name

Evaluation Progress Report #X Due to CalEPA: July 28, 2022

Deficiencies Pending Correction: #'s X

Incidental Findings Pending Resolution: X

Questions or comments regarding this evaluation should be directed to the CalEPA Team Lead:

Team Lead

CalEPA Unified Program

Phone: (916) #

E-mail: name@calepa.ca.gov

The CUPA is required to submit an Evaluation Progress Report 60 days from the receipt of the Final Summary of Findings Report, and every 90 days thereafter, until all deficiencies and incidental findings identified have been acknowledged as corrected or resolved.

Each Evaluation Progress Report must include a narrative stating the status of progress towards the correction of each deficiency and resolution of each incidental findings identified in the Final Summary of Findings Report. Evaluation Progress Reports will continue to be submitted until all deficiencies and incidental findings have been acknowledged as corrected and resolved by each issuing state agency.

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead via mail or E-mail.

Though subject to change, the Evaluation Progress Report submittal dates for the first year following the evaluation are as follows:

1st Progress Report: Date

2nd Progress Report: Date

3rd Progress Report: Date

4th Progress Report: Date

CalEPA Assessment



- What to know...
- Tips to prevent commonly identified deficiencies and/or incidental findings 😊





CUPA Performance Evaluation: Key Components of Title 27

- Administrative Procedures
- Information Collection, Retention, & Management
- The I&E Plan
- Permitting Procedures
- CUPA-to-State Reporting
- Self-Audit Reporting
- Education & Training
- Financial Management





Administrative Procedures

Title 27, Section 15180(e)

- Public Participation 15180(e)(1)
 - Tip: Procedures must be applicable to any Unified Program Element.
- Records Maintenance 15180(e)(2)
 - Tip: Identify any files maintained by the CUPA, but at minimum, the specific information listed in section 15185(b)(1-5) must be included.





Administrative Procedures

Title 27, Section 15180(e)

- Public Information Request 15180(e)(3)
 - Tip: Include both procedures for a normal Public Records Act (PRA) request and requests from government agencies/emergency responders.
- HMRRP Forwarding 15180(e)(4)
 - Tip: Needs to explain how HMRRP information in CERS will be provided to those who request access.
- Data management 15180(e)(7)
 - Tip: Make sure all the requirements in the cited sections are referenced, even it is just a sentence or two.



Information Collection, Retention & Management

Title 27, Section 15185

- Records Retention of 5 years 15185(b)
 - Tip: If not already reviewed annually, spot-check the records retention schedule before your next evaluation to ensure the 5-year minimum retention time is being used.
 - Tip: If by default, the City or County Records Retention schedule is used, incorporate it into the CUPA procedure by reference, and ensure it is included in the SharePoint upload with Enclosure 1 information.





Information Collection, Retention, & Management

Title 27, Section 15185

- Data accepting 15185(c-e)
 - Tip: Processing facility submittals is commonly overlooked when drafting CUPA admin procedures. Per CalEPA guidance, CUPAs have 15 business days to take action on a facility submittal in CERS.
- Access to data information 15185(f)
 - Tip: To reduce confusion and redundancy, this requirement can often be included as part of the public information request response & HMRRP forwarding procedures.
- Local Information Management System 15187
 - Tip: If known Electronic Data Transfer (EDT) issues exist or if the CUPA is transitioning to a new DMS, let the State Evaluation Team know early on in the evaluation process.





CalEPA Assessment *...continued...*

Kaeleigh Pontif, CalEPA Evaluation Team Lead



CalEPA





The I&E Plan

Title 27, Section 15200

➤ Tips:

- Ensure the I&E Plan is dated to verify the annual review requirement.
- Make sure sampling capabilities (training, procedures and equipment) and use of a state certified laboratory for sample analysis are addressed.
- Review and update the description of when, how, and why enforcement would be escalated (graduated series of enforcement, also known as progressive enforcement).
- Describe how duplication, inconsistency and lack of coordination are minimized or eliminated within the inspection and enforcement program.
- Discuss each item listed in Section 15200, even if briefly.
- Use requirements of Section 15200 as an outline to address each topic.
- **Ask!** CalEPA Team Leads and State Evaluators have answers and examples!!





Permitting Procedures

Title 27 Section 15190

- Tips:
 - Review the permit to ensure it includes all required components, including an addendum used to document permit conditions for each applicable program element
 - For CUPAs that permit aspects of the CA fire and/or building code, ensure those aspects of your permit packet are separate from any CUPA permit elements
 - Provide example permits and permitting procedures to CalEPA





CUPA-to-State Reporting

Title 27 Section 15290

- Tips:
 - Ensure Quarterly Surcharge Transmittal Reports are submitted within 30 days of the end of each fiscal quarter
 - Ensure Quarterly Surcharge Transmittal Reports are submitted to both, CalEPA AND the California Air Resources Board
 - Submit formal enforcement actions and complete Formal Enforcement Summary Reports for any actions that have received a final judgement

QUARTERLY
REPORT





CUPA Self-Auditing

Title 27 Section 15280

➤ Tips:

- Ensure each Self-Audit report reflects a completion date on or before September 30th of the proceeding Fiscal Year.
- Review the requirements listed in Section 15280 to ensure each topic is addressed, even if it is just a sentence or two.





CUPA Staff Education and Training

Title 27 Sections 15260 & 15270

➤ Tips:

- Include a copy of recent job postings and staff REHS certifications to verify that the minimum education requirements are being met.
- Make sure common licensures and certifications (ICC UST, APSA Inspector, HAZWOPER, etc.) are included for all relevant staff.
- Document all CUPA conference training and all other relevant UP trainings (including in-house training).





Financial Management

Title 27, Section 15180(e)(5):

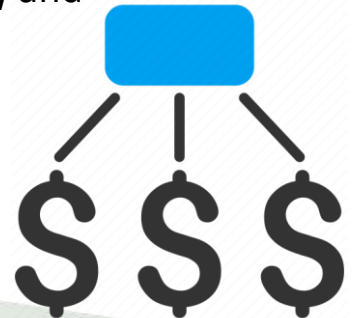
- Financial Management procedures must include a discussion of the processes in place for implementing each of the following components:
 - Single Fee System
 - Fee Accountability Program
 - Surcharge Collection and Reimbursement Program



\$ingle Fee System

Title 27, Section 15210

- Single Fee System addresses the CUPA's fee structure and identifies how the program is supported. Part of this assessment includes reviewing invoice sheets and determining whether the CUPA has established fees across each program element.
- Tip: A description of the single fee system should include any methods used for determining fees, program cost calculations, billing system, fee collection, and estimated timelines.





Fee Accountability

Title 27, Section 15220

- The Fee Accountability Program is the application of reviewing the single fees with consideration of the elements outlined in Section 15220.
 - Tip: The Fee Accountability Program is required to be reviewed on an annual basis. The analysis is provided in the annual Self-Audit Report along with any details regarding fee schedule adjustments.
 - Tip: Within the Financial Management Procedures, the Fee Accountability discussion should include an overview of the process used to conduct the annual review and update of the fee accountability program.



Helpful Questions to consider:

- When was the fee schedule last updated?
- Is the CUPA supplementing their budget with money from a general fund, grants, etc.?
- When was the last time the CUPA conducted a fee study?



\$urcharge Collection and Remittance



Title 27, Section 15250

- CalEPA has increased surcharge fees to address costs of oversight and the CERS NextGen project. The current template can be found on the CalEPA website (https://calepa.ca.gov/wp-content/uploads/sites/6/2022/01/SURCHARGE-TRANSMITTAL-REPORT_20210709-ADA.pdf).
- Tip: Surcharge fees may not be waived while a regulated business is still assessed a fee under the single fee system.
- Tip: CUPA shall remit a quarterly surcharge transmittal report to CalEPA within 30 days of the end of each fiscal quarter, regardless of whether or not the CUPA is remitting any surcharge fees for the applicable quarter.
- Tip: Clearly report the oversight and CERS NextGen surcharge amounts separately.

Unified Program

SURCHARGE TRANSMITTAL REPORT		
27 CCR §§15250 and 15290		
CUPA:		
Date Submitted:		
Fiscal Year of Accrued Surcharges:	Fiscal Year and Quarter for Collection of Surcharge:	
Check Number:		
Completed By:		
Telephone Number:		
Program Element	Amount Remitted	
OVERSIGHT SURCHARGE (\$84 Total)	# Businesses Remitting	Amount Remitting
Split Oversight to reflect the CERS NextGen Amount Separately		
CUPA OVERSIGHT \$57		
CERS NEXTGEN \$27		
ABOVEGROUND PETROLEUM STORAGE ACT (APSA)		
UNDERGROUND STORAGE TANK PROGRAM		
CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM (CalARP PROGRAM)		
REFINERY SAFETY		
	TOTAL REMITTED	

This Surcharge Transmittal Report, a copy thereof, or a substantially equivalent report shall be completed and submitted to the Secretary no later than 30 days after the end of each state fiscal quarter as specified in CCR, title 27, §15290(b).

Please staple the remittance check to this Surcharge Transmittal Report as a cover document each time surcharge revenues are remitted.

Please make remittance payable to the *Secretary for Environmental Protection*. Submit the Surcharge Transmittal Report and remittance check to CalEPA, care of the Air Resources Board, at:

Air Resources Board
Attn: Accounting
P.O. Box 1436
Sacramento, California 95812

An electronic copy of this Surcharge Transmittal Report must also be sent to: cupa@calepa.ca.gov.

For questions, please contact the Unified Program at cupa@calepa.ca.gov.





Fee Dispute Resolution

Title 27, Section 15210(k)

- This can be a standalone procedure, addressed in a financial management documents, the I&E Plan, or whichever policy/procedure makes the most sense for your CUPA.
- Tip: Ensure that the Fee Dispute Resolution includes provisions for handling local disputes for surcharge fees.
- For disputes related to the state surcharge, if not resolved locally, these must be forwarded to the Secretary with *a recommendation for resolution*.





Administrative Penalties

HSC 25404.1.1(i)

- *All administrative penalties collected from actions brought by a UPA pursuant to this section shall be paid to the UPA that imposed the penalty, and shall be deposited into **a special account** that shall be expended to fund the activities of the UPA in enforcing this chapter.*
- CUPAs are required to use monies collected from administrative penalties to implement the Unified Program. Money that is directed to other departments is being misappropriated.
 - Tip: Document this process in an administrative procedure or the I&E Plan.





For CUPAs with Participating Agency (PA) Agreements...

➤ Tips:

- Establish and implement financial management procedures to account for PA program implementation costs and annually review the fee accountability program as it pertains to each PA
 - Title 27, Sections 15210(e), (f), (h), (i) and (k) and 15220(a)(2)
- Ensure PA staff meet applicable training and education requirements
 - Title 27, Sections 15260(c) and 15270
- Ensure the annual self-audit clearly identifies the assessment of performance for each PA
 - Title 27, Section 15280(b)





For CUPAs with Participating Agency (PA) Agreements...

➤ Tips:

- Ensure each PA completely and accurately reports inspection, violation and enforcement information to the CUPA, or to CERS
 - Title 27, Sections 15290(a)(3)(A), (a)(3)(A)(i) and (a)(3)(B)
- When applicable, ensure a Formal Enforcement Summary is provided to CalEPA for enforcement taken by the PA
 - Title 27, Sections 15260(c) and 15270
- Ensure the annual self-audit clearly identifies the assessment of performance for each PA
 - Title 27, Section 15290(a)(5)
- Is there a PA agreement that has been approved by the Secretary?
Does current implementation reflect the PA agreement approved by the Secretary?
 - Title 27, Section 15300(a)





The Biggest Tip...

➤ **Just ask!**

- Regulations and requirements are vague
- CalEPA Team Leads have seen dozens of procedures from across the state
- CalEPA has an archive of good examples for all administrative procedures (including I&E Plans and Self-Audit reports)



Any Questions?



CalEPA Unified Program: CUPA@calepa.ca.gov

CERS Help: CERS@calepa.ca.gov

John Paine (Program Manager)

john.paine@calepa.ca.gov

(916) 327-5092

Tim Brandt (Team Lead Evaluator)

timothy.brandt@calepa.ca.gov

(916) 323-2204

Melinda Blum (Supervisor)

melinda.blum@calepa.ca.gov

(916) 327-9560

Kaeleigh Pontif (Team Lead Evaluator)

kaeleigh.pontif@calepa.ca.gov

(916) 803-0623





State Water Resources Control Board UST Evaluation and Assessment Process

Jenna Hartman
UST Leak Prevention Unit



25th California Unified Program
Annual Training Conference
March 20 – 23, 2023

UST Evaluation Updates

- Staff changes
- Single-walled UST system focused
- CUPA UST Evaluation webpage
- Outreach to CUPAs
- CERS training

Facility File Selection

UST Facility Files Requested

- Randomly selected
 - CERS UST Facility/Tank Data Download
- Single-walled USTs
- Previous evaluations
- UST Construction/Design

Number of UST Facilities	Number of Files Requested	
	Minimum	Maximum
1 to 10	5	All
11 to 100	7	15
101 to 250	10	20
251 to 750	15	30
751 to 1000+	20	50

CERS Reports

UST Program Reports

Compliance, Monitoring, and Enforcement Reports

[Inspection Summary Report by Regulator \(Report 6\)](#)

Counts of regulated UST facilities, active and closed UST systems, inspections, and SOC statistics.

[Enforcement Summary Report by Regulator \(Annual\)](#)

Counts of Violations by Class, Enforcements by Enforcement Type, and Fines/Penalties.

[Red Tag Facility Details Report](#)

List Red Tags affixed during a specified date range.

[UST Routine Inspection Frequency Search](#)

Provides an Excel table identifying the date of the most recent Routine UST Inspection performed with a text field for comment/explanation. This report is for the UPA to comply with the annual Energy Policy Act of 2005 reporting requirement due to the State Water Board each January 31st.

Facility / Tank / Monitoring Summary Reports

[UST Facility Search](#)

Provides a list of sites that are or were a UST site or have some UST related information in CERS, grouped by Regulator.

[BOE Facility/Owner Search Tool](#)

Provides a tool to search for UST facilities by BOE Number, facility site address, and UST Property Owner and UST Tank Owner information.

UST Data Download

[UST Facility/Tank Data Download](#)

Generates an Excel file containing UST Facility / Tank data that has been "Accepted" by Regulators.

[UST CME Data Download](#)

Generates an Excel file containing UST Inspection, Violation, and Enforcement data.

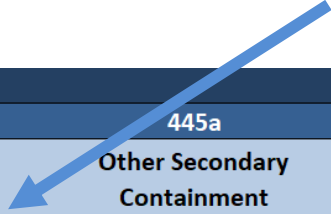
CERS Reports

UST Facility Tank/Data Download

- Facility file selection
- Quality Assurance/Quality Control
 - Single-walled UST systems
 - UST construction/design
 - Overfill and secondary containment exemptions

CERS Reports

Tank Construction				
443	444	444a	445	445a
Type of Tank	Tank Primary Containment Construction	Other Primary Containment Construction	Tank Secondary Containment Construction	Other Secondary Containment Construction
Single Wall	Fiberglass		None	
Single Wall	Fiberglass		None	
Double Wall	Steel		Steel	
Double Wall	Steel		Steel	
Double Wall	Fiberglass		Fiberglass	
Double Wall	Fiberglass		Fiberglass	
Double Wall	Steel		Fiberglass	
Double Wall	Steel		Fiberglass	



↕ Sort A to Z
↕ Sort Z to A
 Sort by Color >
 Sheet View >
✕ Clear Filter From "Tank Secondary C..."
 Filter by Color >
 Text Filters >
 Search

- (Select All)
- Fiberglass
- None
- Steel

CERS REPORTS

UST CME Data Download

- Return to compliance
- Violation type number(s)
- Routine inspections conducted
- Compare to Report 6 for TCR and Red Tag enforcement

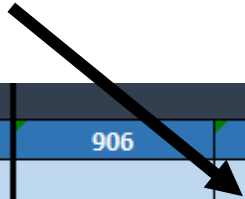
CERS Reports

CERS ID	Violation Type Number	Class	Violation Date	Scheduled Return to Compliance Date	Actual Return to Compliance Date	Days to RTC	Actual Return to Compliance Qualifier
10138287	2030040	Minor	8/12/2015	12/30/2015	3/16/2016	217	Documented
10149381	2030043	Minor	10/5/2018	11/6/2018		#NUM!	
10166269	2030025	Minor	1/30/2020	1/30/2020	1/30/2020	0	Documented
10166269	2030043	Minor	1/30/2019	3/4/2019	6/17/2019	138	Documented
10195654	2030047	Minor	6/18/2020	7/20/2020		#NUM!	
10195654	2030016	Class 1	6/28/2016	7/28/2016	5/12/2017	318	Documented
10195654	2030035	Minor	6/9/2021	7/9/2021		#NUM!	
10229101	2030035	Minor	10/9/2018	11/9/2018		#NUM!	
10229104	2030035	Minor	10/25/2018	11/26/2018	10/25/2018	0	Observed



CERS Reports

Facility	General Inspection Information						
1a	906	907	910	911	912	913a	
CERS ID	Inspection Date	Inspection Type	Number of Class I Violation	Number of Class II Violation	Number of Minor Violations	Significant Operational Compliance	Technical Compliance Rate
10138287	6/26/2014	Routine			0	With both Release	Yes
10138287	8/12/2015	Other			1	With both Release	Yes
10138287	6/25/2015	Routine			0	With both Release	Yes
10138287	6/14/2017	Routine			0	With both Release	Yes
10138287	3/22/2019	Routine			0		Yes
10138287	3/1/2018	Routine			0	With both Release	Yes
10138287	3/12/2020	Routine			0		Yes
10138287	3/30/2021	Routine			0		Yes
10138287	3/22/2022	Other			0		Yes
10138287	10/18/2022	Routine			0		Yes
10138289	3/21/2014	Routine			0	With both Release	Yes



Sort A to Z
 Sort Z to A
 Sort by Color >
 Sheet View >
 Clear Filter From "Inspection Type"
 Filter by Color >
 Text Filters >
 Search
 (Select All)
 Other
 Routine

OK Cancel



Report 6

- Timely reporting
 - March 1
 - September 1
- Routine inspections
 - CERS CME data
 - Self-Audit reports
- TCR
 - CA vs CUPA

Status/ Activity (over / under target / matching)	FY		
	July - Dec	Jan - Jun	
Regulated facilities w/USTs			
UST facility inspections			% Inspected
TCR			Report 6 (total) CERS (total)
(9a) Spill Prevention			
(9b) Overfill Prevention			
(9c) Corrosion Prevention			
(9d) Release Detection			
(9e) Technical Compliance			
(10) DO training			
(11) Financial Responsibility			
(12) DO Inspection Requirements			
Red tags			

Technical Compliance Rate			
CA Technical Compliance Rate			



Oversight Inspections

- Coordinate with CUPA
- Review CERS off-site
- Review UST facility information with CUPA
- Observe CUPA inspection



File Review

- I&E Plan
- Data Management Procedures
- Self-Audit reports
- Local Ordinance
- Staff ICC records
- Closure Procedures
- Permit Procedures
- UST Operating Permit
- Inspection reports
- Test reports
- Permanent closure
- Temporary closure
- Correspondence

Common Issues

- UST Operating Permit
 - Citations
 - Ch. 6.75, Ch. 17, Ch. 18
 - UST Regulations, Sections 2610-2717.7
 - HSC, Sections 25280-25296 and 25298-25299.6
 - References
 - "Post in a conspicuous place"*
 - "Permit is not transferrable"
 - Conditions
 - Report any unauthorized release
 - Notify within 30 days of changing the substance stored

Common Issues

- Inspection Reports
 - Incorrect violation type number cited
 - Missed violations
- Test Reports
 - Missing reports
 - ELD, Cathodic Protection, Pipe Integrity Tests, Tank Lining Certifications
- I&E Plan
 - Penalty matrix
 - UST regulation and HSC references

Summary of Findings

- Deficiencies
 - UST operating permit, late Report 6
- Incidental findings
 - I&E Plan, overflow and secondary containment exemption
- Observations
 - Number of remaining single-walled USTs
- Achievements, Outstanding Implementation & Challenges

Evaluation Progress Report Process

Common issues:

- Missing corrective action items
- Carryovers
 - Reassessed during next evaluation
- "Closed, but not corrected"
 - Does not guarantee deficiency is carried to next evaluation

Looking Forward

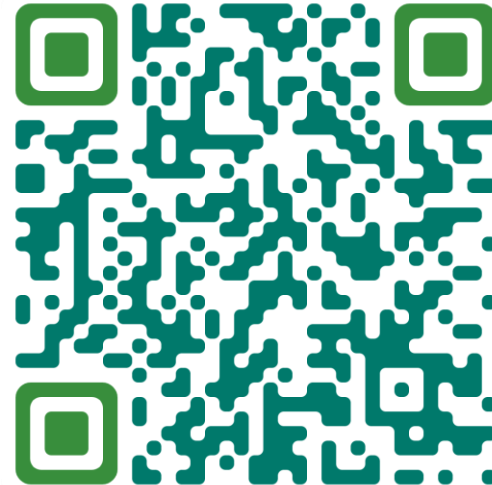
- Attend on-site training with CUPA staff
- Continue improving the UST evaluation program
- Focus on enforcement
- Provide support for all CUPA UST programs
- Provide a positive, constructive, and beneficial evaluation experience

Any Questions?

Contact Information

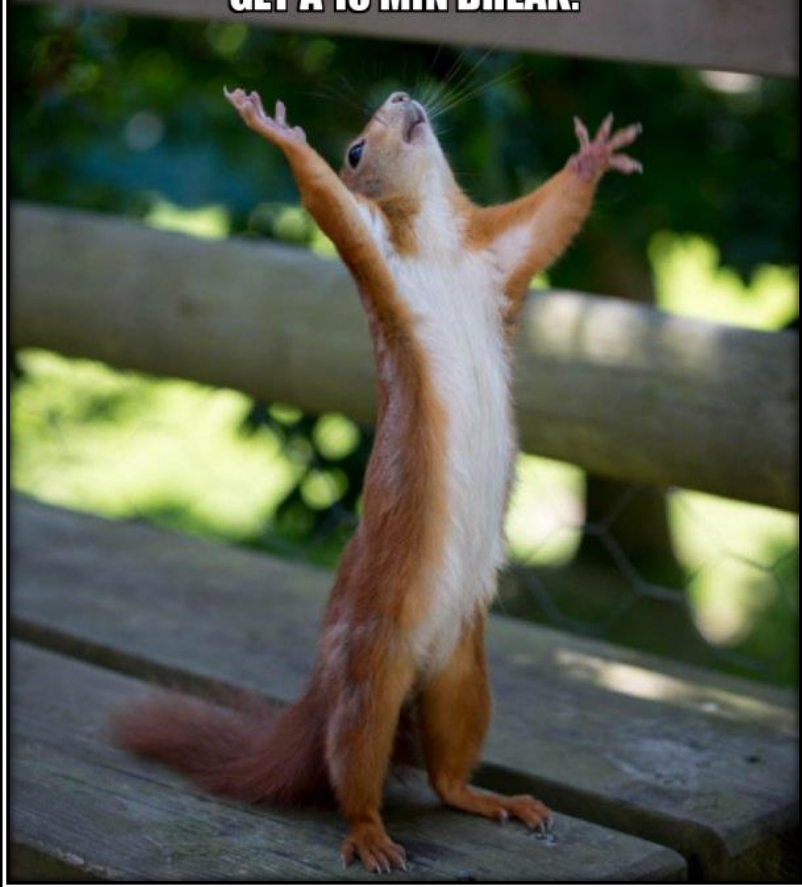
UST Evaluation Team:

- Jenna Hartman
- Kaitlin Cottrell
- Char'Mane Robinson
- Jason Carter
- Tom Henderson





**WHEN YOU FINISH ONE SUBJECT AND
GET A 10 MIN BREAK:**





Hazardous Materials Business Plan and California Accidental Release Prevention Program Assessment

Garett Chan, Environmental Scientist, HMBP/CalARP Unit

Esmé Hassell-Thean, Environmental Scientist, HMBP/CalARP Unit

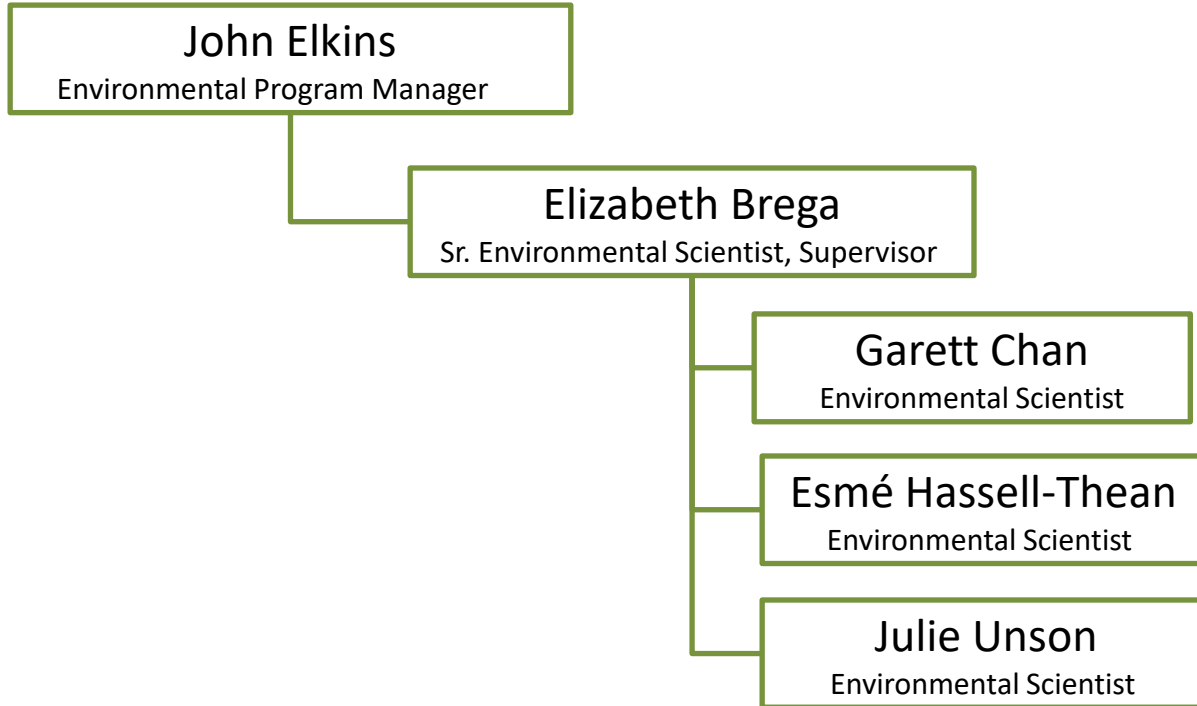
Julie Unson, Environmental Scientist, HMBP/CalARP Unit



CalEPA
California Environmental
Protection Agency



HMBP/CalARP Unit Overview





Introduction and Overview

Presentation Information	Presenters
Introduction	Julie Unson
HMBP Evaluation Process <ul style="list-style-type: none">• Including Area Plan Review	Garett Chan
HMBP Data Evaluation Overview	Esmé Hassell-Thean
CalARP Evaluation Process	Garett Chan
CalARP Data Evaluation Overview	Esmé Hassell-Thean
Questions	HMBP/CalARP Unit



HMBP/CalARP Unit Highlights

- AB148 transferred state program oversight authority and responsibilities from the California Office of Emergency Services (Cal OES) to the California Environmental Protection Agency (CalEPA)
- This led to the creation of the CalEPA HMBP/CalARP unit



HMBP/CalARP Unit Highlights

- Hazardous Materials Business Plan (HMBP), including Area Plan
 - Health and Safety Code, Division 20, Chapter 6.95, Article 1, Sections 25500-25519
 - California Code of Regulations, Title 19, Division 2, Chapter 4, Article 3 and 4, Sections 2640-2660
- California Accidental Release Prevention (CalARP) Program
 - Health and Safety Code, Division 20, Chapter 6.95, Article 2, Sections 25531-25543.3
 - California Code of Regulations, Title 19, Division 2, Chapter 4.5, Articles 1-11, Sections 2735.1-2785.1



HMBP/CalARP Unit Goals

- Ensure fair and consistent statewide implementation of the HMBP and CalARP programs
- Develop resources for CUPAs and industry
- Ensure transparency in how we conduct our CUPA evaluations



Performance Evaluation Highlights

- Ensure adequacy of implementation of the HMBP and CalARP programs
- Conduct a review of facility files
- Conduct a review of the Area Plan
- Conduct a review of the Inspection and Enforcement (I&E) Plan



HMBP Evaluation Process

California Health and Safety Code, Division 20, Chapter 6.95, Article 1, Sections 25500-25519

California Code of Regulations, Title 19, Division 2, Chapter 4, Article 3 and 4, Sections 2640-2660



Overview of HMBP Elements Evaluated

- Ensure annual HMBP submittals and certification
- Ensure each HMBP facility has been inspected at least once in the last three years
- Review facility files
 - Ensure the accuracy and completeness of submittals
 - Ensure inspection reports are consistent with CERS
 - Ensure exemptions are properly reported and recorded
- Review prior performance evaluations



Evaluation of HMBP Submittal and Inspection Frequency

- Business Plan submittals and certification [HSC Sections 25508(a)(2) and 25508.2]
 - Ensure HMBPs are submitted or certified annually
- Inspections [HSC Section 25511]
 - Ensure a routine inspection is conducted at least once every three years



Review of Facility Files – HMBP Submittals

HMBP Submittal Completeness Review:

- Inventory [HSC Section 25505(a)(1)]
- Site Map [HSC Section 25505(a)(2)]
- Emergency Response Plan [HSC Section 25505(a)(3)]
- Employee Training Program [HSC Section 25505(a)(4)]



Review of Facility Files – HMBP Inspections

Inspection Report Review:

- Citations
- Violations
- Return to Compliance
- Notes



HMBP Oversight Inspections

- Contact and coordinate with the CUPA to arrange oversight inspections
- Observe inspector performance in conducting a complete, thorough, and adequate inspection



Overview of Area Plan Requirements Evaluated

- Ensure the Area Plan has been reviewed within the last three years [HSC Section 25503 (d)(2)]
- Ensure all required elements are contained in the Area Plan [19 CCR Sections 2640 and 2642-2648]



HMBP CERS Data Review – Facilities

CERS Regulator

[Home](#)
[Submittals](#)
[Facilities](#)
[Businesses](#)
[Regulators](#)
[Compliance](#)
[Responders](#)
[Reports](#)

Facility Search

[Home](#) » [Facility Search](#)

Search

CERS ID [?](#)

Facility Name
 Starts with [?](#)

Facility ID/Key [?](#)

Facility Street Address [?](#)
 Starts with [?](#)

EPA ID Number [?](#)

Last Submittal Date Range
 [?](#) to [?](#)

County
 All Counties [?](#)

Regulator

Submittal Element
 Materials Inventory [?](#)

Reporting Requirement
 Applicable + Always [?](#)

City [?](#)

ZIP Code [?](#)

Limit To Remote Facilities [?](#)

Limit To Small Quantity Generators [?](#)

Local Facility Grouping [?](#)

[Search](#)

Drag a column header and drop it here to group by that column

CERS ID	Facility Name	Street Address	City	ZIP	Facility ID	Last Submittal
* Non-Regulated						

[Export to Excel \(Details\)](#)
[Export To Excel \(Brief\)](#)

Page 1 of 499 10 items per page 1 - 10 of 4988 items



HMBP CERS Data Review - Inspections

CERS Regulator **Submittals** **Facilities** **Businesses** **Regulators** **Compliance** **Responders** **Reports**

Inspection Search
[Home](#) » Inspection Search

Your account has Unified Program Editor security privileges, and can create/edit CME data on behalf of any Regulator. Proceed with caution.

Regulator: [Redacted] | Data Status: Routine

Program Element: Hazardous Materials Release Response Plans (HMRRP)

CERS ID: [] | EPA ID: [] | Facility ID: []

Facility Name: [] | Date Range: 1/1/2020 to 12/31/2022

RTC Date Status: All

Search **Create Inspection**

Date	Program	Type	# Viols	RTC Date	CERS ID	Facility Name	Status
No items to display							

Export To Excel



HMBP CERS Data Review - Violations

CERS Regulator

Submittals Facilities Businesses Regulators Compliance Responders Reports

Violation Search

Home » Violation Search

Your account has Unified Program Editor security privileges, and can create/edit CME data on behalf of any Regulator. Proceed with caution.

Regulator ID [Redacted] Program Element Hazardous Materials Release Response Plans (HMRRP)

CERS ID [Redacted] EPA ID [Redacted] Facility ID [Redacted]

Facility Name [Redacted]

Date Range 1/1/2020 to 12/31/2022

Data Status [Redacted] Type # [Redacted] Class [Redacted]

Search

Violation Date	Class	Type #	Inspected On	CERS ID	Facility	Actual RTC	RTC Qualifier
Export To Excel							
No items to display							

0



CalARP Evaluation Process

California Health and Safety Code, Division 20, Chapter 6.95, Article 2, Sections 25531-25543.3

California Code of Regulations, Title 19, Division 2, Chapter 4.5, Articles 1-11, Sections 2735.1-2785.1



Overview of CalARP Elements Evaluated

- Ensure each CalARP facility has been inspected at least once in the last three years
- Ensure CUPAs annually conduct an audit of their activities to implement the CalARP program
- Ensure CUPAs have established a dispute resolution procedure
- Review prior performance evaluations



Overview of CalARP Requirements Evaluated

- Review facility files
 - Ensure inspection reports are consistent with CERS
 - Ensure exemptions are properly reported and recorded
- Ensure proper implementation of the CalARP program



Evaluation of CalARP Inspection Frequency

- Inspections [HSC Section 25537(a)]
 - Ensure a routine inspection is conducted at least once every three years
 - Or more frequently if established under local ordinance or the Inspection & Enforcement Plan



CalARP Performance Audit

- Ensure the CUPA conducts an annual self-audit of its activities to implement the CalARP program [19 CCR Section 2780.5 (b)]
- Conduct a completeness review of the performance audit [19 CCR Section 2780.5 (b)]



CalARP Dispute Resolution Procedures

- Conduct a completeness review of established procedures to implement the dispute resolution process [19 CCR Section 2780.1(a)]



Risk Management Plan

- Ensure each stationary source has updated their RMP every 5 years [19 CCR Sections 2745.10(a)(1) and (b)(1)]



Review of Facility Files - CalARP Inspections

Inspection Report Review:

- Citations
- Violations
- Return to Compliance
- Notes




CalARP Oversight Inspections

- Contact and coordinate with the CUPA to arrange oversight inspections
- Observe inspector performance in conducting a complete, thorough, and adequate inspection





CalARP CERS Data Review – Facilities


CERS Regulator  **Submittals** **Facilities** **Businesses** **Regulators** **Compliance** **Responders** **Reports**



Facility Search
[Home](#) » [Facility Search](#)


Search



CERS ID 


Facility Name
Starts with 

Facility ID/Key 


Facility Street Address 
Starts with 


EPA ID Number 


Last Submittal Date Range
  to 


County
All Counties 


Regulator


Submittal Element
Materials Inventory 


Reporting Requirement
Applicable + Always 

City 

ZIP Code 

Limit To Remote Facilities 

Limit To Small Quantity Generators 

Local Facility Grouping 

Drag a column header and drop it here to group by that column

CERS ID	Facility Name	Street Address	City	ZIP	Facility ID	Last Submittal
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* Non-Regulated

Page 1 of 499 10 items per page 1 - 10 of 4988 items



CalARP CERS Data Review - Inspections

CERS Regulator

Submittals Facilities Businesses **Regulators** Compliance Responders Reports

Inspection Search

Home » Inspection Search

Your account has Unified Program Editor security privileges, and can create/edit CME data on behalf of any Regulator. Proceed with caution.

Regulator [Redacted] Data Status [Redacted]

Program Element California Accidental Release Prevention (CalARP) Type Routine Other

CERS ID [Redacted] EPA ID [Redacted] Facility ID [Redacted]

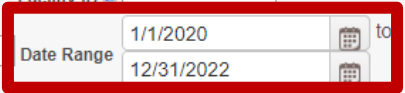
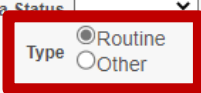
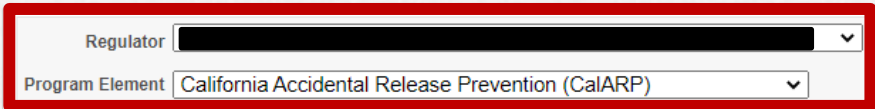
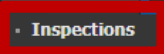
Facility Name [Redacted] Date Range 1/1/2020 to 12/31/2022

RTC Date Status All Search

Create Inspection

Date	Program	Type	# Viols	RTC Date	CERS ID	Facility Name	Status
Export To Excel							
No items to display							

0





CalARP CERS Data Review - Violations

CERS Regulator

Submittals Facilities Businesses Regulators Compliance Responders Reports

Violation Search

Home » Violation Search

Your account has Unified Program Editor security privileges, and can create/edit CME data on behalf of any Regulator. Proceed with caution.

Regulator ID [Redacted] Data Status [v]
Program Element California Accidental Release Prevention (CalARP) Type # [v]
CERS ID [v] EPA ID [v] Facility ID [v] Class [v]
Facility Name [v] Date Range 1/1/2020 to 12/31/2022 Search

Violation Date	Class	Type #	Inspected On	CERS ID	Facility	Actual RTC	RTC Qualifier
Export To Excel							
No items to display							

0

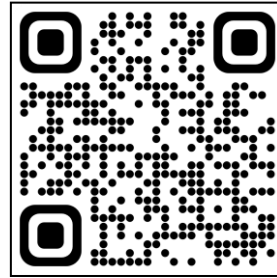
Contact HMBP/CalARP Unit Staff

Visit the HMBP and CalARP webpages for more information

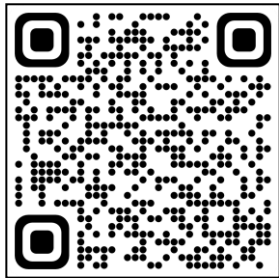
HMBP Program Website



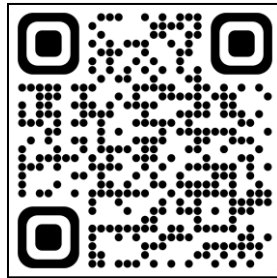
HMBP Program Listserv



CalARP Program Website



CalARP Program Listserv



Any Questions?

Contact HMBP/CalARP Unit Staff

If you have any questions regarding the HMBP or CalARP programs, please contact: HMBP@calepa.ca.gov or CalARP@calepa.ca.gov

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APSA & HMMP-HMIS Programs Assessment

Denise Villanueva, Evaluator



CAL FIRE – Office of the State Fire Marshal





OSFM Assessment Overview

- Assessment ***starts*** at Kickoff meeting date
 - APSA inspections reviewed relative to this date
 - HMBP submittals (in lieu of tank facility statements [TFS]) reviewed relative to this date
 - Open APSA violations (no return to compliance [RTC]) – the prior 3 full fiscal years are reviewed



OSFM Assessment Overview

- Assessment ***ends*** at Exit Briefing meeting date
 - Deficiencies/Incidental Findings may be considered as “Corrected During the Evaluation” if corrective actions/resolutions are achieved prior to this date
 - If not, corrective action efforts tracked through Progress Report cycle

OSFM Assessment Overview

Slide 81



Office of the State Fire Marshal
Unified Program Agency Evaluation Checklist
Hazardous Materials Management Plan (HMMP) and Hazardous Materials
Inventory Statement (HMIS)
and Aboveground Petroleum Storage Act (APSA) Programs



Unified Program Agency (UPA) Name:
Evaluation Dates: Evaluator Name:

Important Dates

Notify California Environmental Protection Agency (CalEPA) team lead of any missing or incomplete records in SharePoint:

Preliminary Summary of Findings due to CalEPA:

Preliminary Activities

Review previous evaluation

Does the UPA have any unresolved or uncorrected deficiencies or incidental findings from previous evaluation(s)? Yes No

If yes, list:

Does the Certified Unified Program Agency (CUPA) have any Participating Agency (PA)?
Yes No

Name of PA(s) implementing APSA, if applicable:
(Contact the CalEPA team lead if unknown)

Generate and Evaluate the Following CERS Reports

(Include date of download in title or file name for each CERS downloaded report)

Kickoff Mtg 1st Team Mtg Q&A Mtg 2nd Team Mtg Exit Briefing

APSA Facility List report (Facilities Tab) CUPA PA

APSA compliance monitoring and enforcement (CME) report (Reports Tab) CUPA PA

APSA Facility Information report (Reports Tab) CUPA PA

Review facility files requested for completeness when CalEPA sends notification.

Notify CalEPA team lead of any missing records in SharePoint by due date.

General Information

Total # of APSA tank facilities based on...

- CERS: CUPA: PA (if applicable):

Total # of APSA tank facilities with 10,000 gallons or more of petroleum, if known (excluding conditionally exempt tank facilities per Health and Safety Code (HSC), Section 25270.4.5(a))

- CUPA: PA (if applicable):

Inspection Staff

- Total # of UPA staff inspecting tank facilities for compliance with Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements of APSA:

CUPA: PA (if applicable):

- Are all inspectors APSA trained and certified? Yes No



OSFM Assessment Overview

- If an inspector has not completed and passed their APSA inspector training, obtain a list of all routine SPCC Plan compliance inspections the untrained staff conducted.
- Inform UPA that any SPCC Plan compliance inspections of APSA tank facilities by untrained staff are not valid. UPA must re-inspect such tank facilities by trained staff.

Notes, Comments, and Observations:

Mark as a Deficiency or Incidental Finding:

UPA inspectors have not completed and passed their APSA training prior to inspecting tank facilities for SPCC Plan compliance under APSA (HSC Section 25270.5(c)): Yes No

Tank Facility Statements (TFS)

Are there any APSA tank facilities required to submit TFS instead of Hazardous Materials Business Plan (HMBP) to CERS? Yes No

If yes, specify details (including how many, whether federal or residential facilities):

Complete HMBP Submittal in lieu of TFS (Qualitative Review)

Review recently accepted HMBP submittal for each tank facility listed on Facility Files Request List

Are all HMBP submittals in lieu of TFS complete with all applicable elements? Yes No

- Any missing components? Yes No

Commonly overlooked components are: site map – evacuation staging area, hazmat handling/storage areas, emergency shutoffs, and/or emergency response equipment; emergency response plan – local medical assistance and/or areas/systems requiring immediate inspection/isolation due to earthquake vulnerability. Identify CERS ID numbers with missing components in the notes/comments/observations below.

- If missing components are observed, is there a pattern? Yes No

If there is a pattern, then potentially a deficiency or incidental finding.

Annual HMBP Submittal in lieu of TFS (Quantitative Review)

Review last 13 months of HMBP submittals (in lieu of TFS) using CERS APSA Facility List report Submittal rate (including %) for HMBP inventory and site maps:

If applicable, # of tank facilities that have never submitted an inventory and site map:

Submittal rate (including %) for HMBP emergency response and training plans:

If applicable, # of tank facilities that have never submitted emergency response/training plans:

Notes, Comments, and Observations:



OSFM Assessment Overview

Mark as a Deficiency or Incidental Finding:

Annual TFS/HMBP submittals are below OSFM (%) threshold (HSC Section 25270.6(a)):

Yes No

Incomplete TFS/HMBP submittals (HSC Section 25270.6(a); 2022 California Fire Code (CFC), Sections 5001.5.1 and 5001.5.2):

Yes No

Self-Audits

Is there information on APSA, in terms of inspection and enforcement? If no, move on to next section.

Yes No

Is the APSA information consistent with the information in CERS?

Yes No

Are APSA issues and deficiencies identified?

Yes No NA

If yes, are there plans or measures to correct/address the issues and deficiencies?

Yes No

'All' Unified Program elements implemented and listed, but the fire code HMMP/HMIS program is not listed as one of the six program elements

Yes No

Notes, Comments, and Observations:

(Note: No inspection requirement for fire code HMMP/HMIS.)

Mark as an Observation:

Inconsistent information between the self-audit and CERS:

Yes No

APSA program is not discussed, but other program elements are specifically discussed in the self-audit:

Yes No

'All' Unified Program elements implemented and listed, but the fire code HMMP/HMIS program is not listed as one of the six program elements

Yes No

Inspection and Enforcement Program (I&E) Plan

APSA Program

Is there any information provided related to APSA?

Yes No

If 'no', move on to the *Other Components* section below.

Are the citations accurate?

Yes No

APSA program included in inspection section?

Yes No

APSA program included in matrix of enforcement options and/or program specific enforcement section?

Yes No

APSA mandated inspection frequency identified?

Yes No

CUPA's APSA inspection frequency identified?

Yes No

CUPA's alternative APSA inspection frequency if not only meeting minimum mandated inspections

- Facilities with 10K gallons or more of petroleum (excluding conditionally exempt tank facilities) inspected more frequently than minimum mandate of once every 3 years? Yes No

- If yes, what is the frequency?

- Facilities with less than 10K gallons (excluding conditionally exempt tank facilities) inspected? Yes No

- If yes, what is the frequency?

- Facilities with TIUGAs and less than 1,320 gallons inspected? Yes No

- If yes, what is the frequency?

- If applicable, what is the PA frequency if different from CUPA?

Are compliance timeframes (return to compliance (RTC)) discussed?

Yes No

If yes, is APSA program included in the compliance timeframes section?

Yes No



OSFM Assessment Overview

Notes, Comments, and Observations:

(Note: No inspection requirement for fire code HMMP/HMIS.)

Other I&E Plan Components

Are 'all' Unified Program elements identified/referenced? Yes No

If yes, does the list include the fire code HMMP/HMIS program? Yes No

Is there any information provided related to the fire code? Yes No

(Uniform Fire Code (UFC) is outdated and should be replaced with CFC.)

If applicable, what is the edition (year) of the fire code?

Notes, Comments, and Observations:

(The observations may be consolidated with other state agencies' I&E Plan observations.)

Mark as an Observation:

Incorrect APSA citations Yes No

Outdated/incorrect APSA information Yes No

APSA program information is missing, but other program elements are specifically described in the inspection/enforcement section of the I&E Plan Yes No

Outdated/incorrect fire code information Yes No

CUPA states in their I&E Plan they can enforce the fire code, but they have no fire authority Yes No

APSA program RTC discussion not included, but RTC timeframe for other program elements are included in the I&E Plan Yes No

CUPA states they implement 'all' Unified Program elements but does not include the fire code HMMP/HMIS program in the I&E Plan Yes No

APSA program RTC discussion not included, but RTC timeframe for other program elements are included in the I&E Plan Yes No

CUPA states they implement 'all' Unified Program elements but does not include the fire code HMMP/HMIS program in the I&E Plan Yes No

APSA program RTC discussion not included, but RTC timeframe for other program elements are included in the I&E Plan Yes No

Mark as a Deficiency or Incidental Finding:

APSA inspection frequency is below OSFM (%) threshold for tank facilities with 10,000 gallons or more of petroleum (excluding conditionally exempt tank facilities) (HSC Section 25270.5(a))? Yes No

APSA inspection frequency per the I&E Plan is below OSFM (%) threshold for other tank facilities (HSC Section 25270.5(b))? (Incidental finding if mandated inspections are met) Yes No

APSA Inspection Checklist/Form

Utilizes CUPA Forum Board checklists Utilizes own checklist/form

Checklist/form version (year):

Is the checklist comprehensive? Yes No

Does the UPA use multiple checklists/forms for different tank facility types? Yes No

Accurate citations for APSA violations observed at tank facilities? HSC should be cited first, then **may** reference Code of Federal Regulations (CFR), Title 40, Part 112. Yes No

(UPAs do not have the authority to enforce the Federal SPCC rule.)

Notes, Comments, and Observations:

Mark as an Observation:

UPA uses a short/very limited checklist Yes No

Outdated violations listed on their current checklist/form Yes No

OSFM Assessment Overview



UPA has multiple checklists and did not use appropriate checklist for an inspection? Yes No
UPA does not cite HSC for APSA violation on their inspection checklist(s)/form(s)? Yes No

Area Plan

Is there information on APSA, fire code, or OSFM/CA SFM? If no, move on to next section.

Yes No

Are 'all' Unified Program elements identified/referenced, but missing the fire code HMMP/HMIS?

Yes No

Are fire code citations/references current/correct?

Yes No

(UFC is outdated and should not be referenced; replace UFC with CFC. Also, edition of the fire code should be current if mentioned or removed in future revision.)

Is the CA State Fire Marshal information correct?

Yes No

- Example: OSFM oversees **intrastate** hazardous liquid pipelines; OSFM no longer oversees interstate pipelines. Interstate pipelines are now under the authority of US DOT PHMSA.

Yes No

APSA program information is correct/current?

Yes No

Notes, Comments, and Observations:

Mark as an Observation:

Outdated/incorrect fire code citation/reference

Yes No

Outdated/incorrect CA State Fire Marshal information

Yes No

Outdated/incorrect APSA program information

Yes No

Website

APSA Program

Is there any information on APSA? If no, move on to next section.

Yes No NA

Are the guidance documents, fact sheets, etc. correct and current?

Yes No NA

Are the links related to APSA and SPCC valid and appropriate?

Yes No NA

Are links to Tier I and Tier II qualified facility SPCC Plan templates current?

Yes No NA

Does UPA have the old APSA FAQ (pre-2021) online?

Yes No

(Note: Ask UPA to remove outdated FAQ and replace with current FAQ.)

HMMP & HMIS Program

(Note: The HMMP/HMIS Program is consolidated with the HMBP Program to streamline the regulatory requirements for regulated facilities.)

Is there any information on HMBP? If no, move on to next section.

Yes No

Is the HMBP information correct and current, including templates for HMBP components?

Yes No

Are the links related to HMBP valid and appropriate?

Yes No

If applicable, are site map and emergency response/training plans instructions and templates current and correct?

Yes No

Notes, Comments, and Observations:

Mark as an Observation

Outdated or incorrect APSA program information, including any guidance documents, fact sheets, etc.

Yes No

Outdated templates (if applicable)

Yes No

APSA and/or SPCC links valid?

Yes No



OSFM Assessment Overview

Outdated or incorrect HMMP/HMIS program information, including templates? Yes No
 If applicable, HMMP/HMIS program links valid? Yes No

APSA Tank Facility Records Review – CME, Violation Classification/Citation, and RTC

CME Data Quality

Are there discrepancies in CME information in facility files (inspection reports, RTC documentation, etc.) provided by the UPA compared to CME information in CERS? Yes No

If yes, describe in detail, including CERS ID:

Violation Classification

Based on review of facility files provided by the UPA and CERS CME report, is there any "No SPCC Plan" or "Failure to Prepare SPCC Plan" violation (4010001) classified as minor? Yes No

- If yes to above question, follow-up with UPA if they could change the default setting in their local data management system for violation 4010001 from minor to at least Class 2 violation.

List all CERS IDs with no SPCC Plan violation classified as minor:

Incorrect Violations

Other violations (such as 4010 or 4010008) being used for 'no SPCC Plan' violations? Yes No
 If yes, describe in detail, including CERS ID:

Any 4010001 violations being incorrectly cited for other SPCC Plan related violations (such as 4010008)? Yes No

If yes, describe in detail, including CERS ID:

If there are other instances of UPA citing incorrect violations, describe in detail, including CERS ID:

RTC

Review CERS APSA CME report. Determine 'NO' RTC rate – enter the number of violations without documented RTC and the total number of violations for each of the last applicable (full) fiscal year (FY) cycles, including number of tank facilities cited for "No SPCC Plan" violations without documented RTC.

- | | | | | |
|------|---|---|---------------|--|
| • FY | / | (| %), including | tank facilities cited for "No SPCC Plan" |
| • FY | / | (| %), including | tank facilities cited for "No SPCC Plan" |
| • FY | / | (| %), including | tank facilities cited for "No SPCC Plan" |
| • FY | / | (| %), including | tank facilities cited for "No SPCC Plan" |
| • FY | / | (| %), including | tank facilities cited for "No SPCC Plan" |
| • FY | / | (| %), including | tank facilities cited for "No SPCC Plan" |

Mark as a Deficiency or Incidental Finding

Not consistently or correctly reporting APSA CME information to CERS (*HSC Section 25404(e)(4); Cal. Code of Regulations (CCR), Title 27, Sections 15187(c) and 15290(a)(3) and (b)*)?

Yes No

Not consistently following up and documenting RTC information (APSA RTC rate is below OSFM (%) threshold) (*HSC Sections 25404.1.2(c), 25270.2(c)(3), and/or 25270.4.5(a); 27 CCR Sections 15185(a) and (c) and 15200(a) and (e)*)?

Yes No



OSFM Assessment Overview

Not consistently ensuring each tank facility prepares an SPCC Plan (excluding conditionally exempt tank facilities)? (No RTC for 'No SPCC Plan' violations only) (HSC Section 25270.4.5(a))

Yes No

"No SPCC Plan" violation classified as minor? (Incidental finding only) (HSC Sections 25404.2(a)(3)-(4), 25270.4.1(c), 25270.4.5(a), and 25404(a)(3); 27 CCR Section 15200(a))

Yes No

Outstanding Implementation, Achievements, and Challenges:

Additional Notes:

<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/>





OSFM Assessment Overview

- Determine CUPA's current inspection rate
 - APSA mandated inspections at facilities storing 10,000 gallons or more of petroleum at least once every 3 years per Health and Safety Code (HSC) 25270.5(a)
 - Alternative APSA inspection frequency as identified in CUPA's Inspection and Enforcement (I&E) Plan per HSC 25270.5(b)



OSFM Assessment Overview

- Review CUPA inspectors' training records
- Review CUPA's APSA inspection checklist(s)
- Review requested facility files
 - APSA compliance, monitoring and enforcement (CME) information
 - Annual TFS or HMBP Submittals
- Review RTC for APSA violations



OSFM Assessment Overview

- Determine annual HMBP (in lieu of TFS) submittal percentage for APSA facilities
 - Inventory/Site Map
 - Emergency Response/Training Plans
- Review CUPA's Self-Audits, I&E Plan, and website
- Review CUPA responses to the Supplemental Information Request and Request for Additional Information, if necessary



APSA Compliance Inspections

- APSA mandated inspections at facilities storing 10,000 gallons or more of petroleum at least once every 3 years per HSC 25270.5(a)
 - Enclosure 1 Information Request: CUPA's list of APSA facilities with 10,000 gallons or more of petroleum (from CUPA's database) that identifies the most recent routine APSA inspection date



APSA Compliance Inspections

- Alternative APSA inspection frequency as identified in CUPA's I&E Plan per HSC 25270.5(b)
 - Inspections more frequent than the mandated frequency
 - Inspections at tank facilities with less than 10,000 gallons of petroleum (or inspecting *all* APSA tank facilities)



Determining Inspection Currency Percentage

- Review CUPA's list of APSA tank facilities that store 10,000 gallons or more of petroleum
 - Compare CUPA list to CERS CME information
 - Check for omitted facilities
 - Routine inspection date information obtained from CERS Facility Listing report (with APSA Submittal Element and Reporting Requirement of APSA Applicable) and APSA CME report
 - Determine % of facilities that are current with inspections, per CERS and CUPA list (Envision etc.)



Determining Inspection Currency Percentage

➤ Review list of all APSA tank facilities and determine % of facilities that are current with inspections as established in the CUPA's I&E Plan

Deficiency considered if percentage of inspections is below OSFM minimum threshold

DEFICIENCY:

The CUPA is not inspecting each Aboveground Petroleum Storage Act (APSA) tank facility that stores 10,000 gallons or more of petroleum for compliance with the SPCC Plan requirements of APSA at least once every three years.

Review of facility files, CERS CME information, and information provided by the CUPA indicates:

- # of # (_ %) tank facilities that store 10,000 gallons or more of petroleum have not been inspected in the last three years, including # tank facilities that have never been inspected.

CITATION:

HSC, Chapter 6.67, Section 25270.5(a)

[OSFM]

Example Inspection Deficiency

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each APSA tank facility that stores 10,000 gallons or more of petroleum is inspected at least once every three years for compliance with the SPCC Plan requirements of APSA. The action plan will include at minimum:

- An analysis and explanation as to why the inspection frequency requirement for the APSA program is not being met. Existing inspection staff resources and how many facilities are scheduled to be inspected each year are factors to address in the explanation.
- A sortable spreadsheet exported from the CUPA's data management system or CERS, identifying each APSA tank facility storing 10,000 gallons or more of petroleum that was not inspected in the last three years. For each tank facility listed, the spreadsheet will include, at minimum:
 - Facility name,
 - CERS ID,
 - Date of the last routine inspection.
- A proposed schedule to inspect those tank facilities, prioritizing the most delinquent inspections to be completed prior to any other APSA inspection based on a risk analysis of all tank facilities with 10,000 gallons of more of petroleum (i.e., large volumes of petroleum or proximity to navigable water).
- Future steps to ensure each tank facility that stores 10,000 gallons or more of petroleum will be inspected at least once every three years.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with an updated spreadsheet.

By the 5th Progress Report, the CUPA will have inspected each APSA tank facility identified on the 1st Progress Report spreadsheet at least once every three years for compliance with the SPCC Plan requirements of APSA.

Example Inspection Deficiency Corrective Action



Training Records of CUPA Staff Conducting APSA Inspections

- Certification records provided by the CUPA
- When necessary, OSFM checks its master list to confirm certification of CUPA staff

Deficiency (or incidental finding) considered if untrained inspector(s) performed inspections at APSA tank facilities per HSC 25270.5(a) or (b)



Example of Untrained Inspector Deficiency/ Incidental Finding

INCIDENTAL FINDING:

The CUPA is not ensuring each inspector completes the APSA training program and passes the training exam prior to conducting APSA compliance inspections at tank facilities for compliance with the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements of APSA.

The following inspections were conducted by a CUPA inspector prior to the inspector completing the APSA training program and passing the exam:

- CERS ID xxxxxxxx: inspection dated (mm/dd/yyyy)
- CERS ID xxxxxxxx: inspection dated (mm/dd/yyyy)

Note: The examples provided above may not represent all instances of this deficiency.

CITATION:

HSC, Chapter 6.67, Section 25270.5(c)

Example of Untrained Inspector Incidental Finding Resolution

RESOLUTION:

By the 1st Progress Report, each CUPA inspector that conducts inspections at APSA tank facilities for compliance with the SPCC Plan requirements of APSA will complete and pass the initial APSA inspector training program. The CUPA will provide CalEPA with a copy of the APSA training certificates.

By the 2nd Progress Report, the CUPA will identify all inspections conducted by inspectors, who did not complete and pass the initial APSA inspector training program, at tank facilities for compliance with the SPCC Plan requirements of APSA. The CUPA will propose a schedule for conducting compliance inspections at these facilities and have APSA-trained inspectors re-inspect them. Inspection prioritization should consider the most delinquent inspections first, but the prioritization should also be based on a risk analysis of all APSA facilities (i.e., large volumes of petroleum or proximity to navigable water).

CITATION:

HSC, Chapter 6.67, Section 25270.5(c)
[OSFM]



CUPA's APSA Inspection Checklist(s)

- Enclosure 1 Information Request: APSA Inspection Checklist(s)
 - Does the CUPA utilize their own checklist(s)?
 - Does the CUPA utilize the CUPA Forum Board checklists?

- Review APSA inspection checklist(s)/form(s) utilized by the CUPA inspectors, compare to CUPA Forum Board checklists and the violation library



An observation and recommendation may be provided based on the review



APSA & HMMP-HMIS Programs Assessment

Mary Wren-Wilson, Evaluator



CAL FIRE – Office of the State Fire Marshal

Facility File Review: APSA CME

Slide 102



- APSA inspection report
 - Violations cited in the inspection reports and associated RTC documentation
- APSA Compliance, Monitoring & Enforcement (CME) review
 - CERS CME Data Download report with APSA Program Element selected
 - CERS history related to APSA inspections and enforcement in a three-year time period
 - Review aboveground storage tank (AST) outstanding violations and AST violation details

Deficiency considered if CME data not properly reported to CERS

Example of CME Reporting Deficiency



DEFICIENCY:

The CUPA is not consistently or correctly reporting CME information to CERS for the APSA Program.

Review of CERS CME information, inspection reports, and other information provided by the CUPA indicates the following:

- CERS ID xxxxxxxx: An inspection report, dated 4/25/2019, is categorized as routine. CERS shows the inspection as other.
- CERS ID xxxxxxxx: An inspection report, dated 5/31/2019, is categorized as routine. CERS shows the inspection as other.

Note: The examples provided above may not represent all instances of this finding.

CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)

CCR, Title 27, Sections 15187(c) and 15290(a)(3) and (b)

[OSFM]

Example of CME Reporting Deficiency Corrective Action

CORRECTIVE ACTION:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan for reporting APSA Program CME information consistently and correctly to CERS. The action plan will include, at minimum, the following:

- Identification and correction of the cause(s) of missing or incorrect APSA Program CME information reported to CERS, including any data transfer from the CUPA's data management system to CERS;
- Review and revision of the CME reporting component of the Data Management Procedure, or other applicable procedure, to ensure APSA Program CME information is consistently and correctly reported to CERS;
- Identification of APSA Program CME information not previously reported to CERS, or reported to CERS incorrectly, from July 1, 2018, through June 30, 2022.
- A process for reporting APSA Program CME information identified as not being previously reported to CERS, or being previously reported incorrectly to CERS, including CME information for any revised inspection reports; and
- Future steps to ensure all APSA Program CME information is consistently and correctly reported to CERS. This may generate the need for a comparison of APSA Program CME information in the CUPA's data management system with CERS to identify CME information not being reported, or being reported incorrectly to CERS.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three APSA tank facility records, as requested by OSFM, that include RTC documentation or an inspection report.

By the 3rd Progress Report, the CUPA will consistently and correctly report all APSA Program CME information to CERS. The CUPA will provide a statement confirming the complete entry of all prior APSA Program CME information not previously reported to CERS, or previously reported incorrectly to CERS from July 1, 2018, through June 30, 2022.





Facility Files: What's in CERS?

Review of CERS APSA Documentation (TFS) submittals or HMBP submittals (in lieu of TFS)

- Business Activities and Business Owner/Operator ID
- Hazardous Materials Inventory and **Site Map (confirmed to contain all applicable required elements)**

An Incidental Finding is considered if percentage of facilities with accepted site maps are missing multiple required elements





Facility Files: What's in CERS?

Review of CERS APSA Documentation (TFS) submittals or HMBP submittals (in lieu of TFS)

- Emergency Response Plans & Procedures and Employee Training Plan
- Was SPCC Plan submitted by facility and accepted by CUPA?

Observation and recommendation may be provided if a sufficient number of instances are identified

Facility Files: What's in CERS?



Office of the State Fire Marshal
Unified Program Agency Facility File Review Checklist
Hazardous Materials Management Plan and Hazardous Materials Inventory
Statement and Aboveground Petroleum Storage Act Programs

Unified Program Agency:
Evaluation Date(s):
Evaluator:
Facility File Name:
CERS ID:

Hazardous Materials Management Plan & Hazardous Materials Inventory Statement Program

Business Activities

Submittal Date (w/in last 12 months):
Accepted by UPA Date:
Identification & Declaration:
Additional local requirements:

Business Owner/Operator ID

Submittal Date (w/in last 12 months):
Accepted by UPA Date:
Identification:
Business Owner:
Environmental Contact:
Emergency Contact:
Additional locally collected information:

Hazardous Material Inventory – Chemical Description

Submittal Date:
Accepted by UPA Date:
Facility Information
Business Name & Chemical Location:
Chemical/Common Name:
CAS #:
Trade Secret, EHS, EPCRA:
Fire Code Hazard Class:
HazMat Type, Physical State, Fed. Hazardous Categories:
Ave./Max. Daily Amounts:
Annual Waste Amnt./State Waste Code:
Storage Container, Largest Container:
Storage Pressure/Temperature:
Hazardous Component (Mixture/Waste):
Additional locally collected information:





Facility Files: What's in CERS?

Emergency Response Plans & Procedures

Submittal Date:

Accepted by UPA Date:

Emergency Notification/Communication/Numbers: Local Emergency Response, UPA, CAL OES,

Emergency Coordinators, & Onsite Technical Advisors &/or Internal Response:

Local Medical Assistance:

Mitigation/Prevention/Abatement of Hazards: Emergency Containments, Clean Up Procedures,

Emergency Equipment:

Notification/Evacuation of Facility:

Areas/systems requiring immediate inspection or isolation due to earthquake vulnerability:

Employee Training Plan

Submittal Date (w/in last 12 months):

Accepted by UPA Date:

Safe Handling, coordination w/ emergency response, use of emergency response equipment/supplies:

Training in Emergency Response Procedures:

Frequency - Initial & Refresher:

Site Map

Submittal Date (w/in last 12 months):

Accepted by UPA Date:

Orientation (North):

Loading Areas:

Internal Roads:

Adjacent Streets:

Storm & Sewer Drains:

Access & Exit Points:

Emergency Shutoff:

Evacuation Staging Areas:

Hazardous Material Handling and Storage Area:

Emergency Response Equipment (e.g. equipment for fire suppression, approach & mitigation, PPE, medical response, etc.):

Additional locally collected information:

Facility Files: What's in CERS?



Aboveground Petroleum Storage Act (APSA) Program:

Yes No Is the facility regulated under APSA (has 1,320 gallons or more petroleum, or one or more tanks in an underground area)? If yes, complete the page.

Yes No Is the facility a conditionally exempt tank facility (a farm, nursery, logging site, or construction site)?

Yes No N/A If the facility has not completed a business plan within the last 12 months, did the facility submit a tank facility statement? If yes, fill out "Tank Facility Statement" section below.

Yes No N/A Is the facility a "qualified facility" per Code of Regulations, Title 40, Section 112.3 (g)?

Yes No N/A Does the facility store 10,000 gallons or more of petroleum?

Total petroleum storage capacity (estimated) based on chemical inventory:

Total petroleum storage based on APSA submittal:

Yes No UNK Does the facility have a tank in an underground area (TIUGA) (shell cap. ≥55gal)?

Tank Facility Statement

Submittal Date (w/in last 12 months?):

Accepted by UPA Date:

Name & Address of Tank Facility:

Contact Person:

Total Aboveground Petroleum Storage Capacity (for each storage tank that exceeds 10,000 gal. in shell capacity):

Location:

Contents:

SPCC Plan

Does the Facility have an SPCC Plan? Yes No

Date SPCC Plan Certified or Last 5-Year Review:

Was an SPCC Plan Submitted into CERS? Yes No

(SPCC Plan should not be submitted into CERS)

Was the SPCC Plan in CERS Accepted by UPA? Yes No

Inspection

Date of Last Routine Inspection:

Date(s) of Previous Inspection(s):

Any Repeat Violations: Yes No

Violation(s) Classified: Yes No

Minor violation(s):

Class II Violation(s):

Class I Violation(s):

CME Data in CERS? Yes No N/A

If Yes, CME Data Accurate/Correct? Yes No



Facility Files: What's in CERS?

Enforcement

Informal/formal Enforcement:

Date RTC Achieved:

Status:

CME Data in CERS? Yes No N/A

If Yes, CME Data Accurate/Correct? Yes No N/A

Additional Comments and Notes:

<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/>





Annual HMBP Submittal Percentage (in lieu of TFS): APSA Facilities Only

- Identify the total number of APSA tank facilities
- Determine number of facilities with current Inventory/Site Map submittals
- Determine number of facilities with current Emergency Response and Training Plans submittals

***Deficiency considered if annual submittal percentage is
below OSFM minimum threshold***



Example of Annual HMBP Submittal (in lieu of TFS) Deficiency:

The CUPA is not consistently ensuring that APSA tank facilities annually submit a complete HMBP when an HMBP is provided to CERS in lieu of a tank facility statement.

Review of HMBP submittals to CERS in lieu of tank facility statements indicates:





Example of Annual HMBP Submittal (in lieu of TFS) Deficiency:

- 32 of 127 (25%) tank facilities have not submitted a chemical inventory and site map within the past 12 months, including 7 tank facilities that have never submitted.
- 25 of 127 (28%) tank facilities have not submitted an emergency response and training plans within the past 12 months, including 7 tank facilities that have never submitted.



Example of Annual HMBP Submittal (in lieu of TFS) Corrective Action:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure that future HMBPs submitted to CERS, in lieu of a tank facility statement, are thoroughly reviewed and contain all applicable required elements. The action plan will include steps to follow up with rejected or incomplete HMBP submittals when an HMBP is submitted to CERS in lieu of a tank facility statement.



Example of Annual HMBP Submittal (in lieu of TFS) Corrective Action:

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide a list sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes at minimum, the following information for each APSA tank facility that submitted a recent HMBP submittals, in lieu of a tank facility statements, that was reviewed and not accepted for missing applicable required elements in recently accepted site map submittals. For each tank facility on the list, the CUPA will include:



Example of Annual HMBP Submittal (in lieu of TFS) Corrective Action:

- Facility name,
- CERS ID, and
- Follow-up actions including a narrative of the enforcement applied by the CUPA.

By the 4th Progress Report, the CUPA will ensure each APSA tank facility has submitted a complete HMBP to CERS, when an HMPB is provided in lieu of a tank facility statement, or the CUPA will have applied enforcement.



Example of Site Map Incidental Finding:

The CUPA is not consistently ensuring APSA tank facilities submit a complete Hazardous Materials Business Plan (HMBP) when an HMBP is provided to CERS in lieu of a tank facility statement.

Review of CERS indicates the following **5 of 10 (50%)** APSA tank facilities submitted an HMBP in lieu of a tank facility statement that is missing required elements in recently accepted site map submittals:





Example of HMBP Site Map

Deficiency/Finding:

- CERS IDs ## and ## : missing emergency shutoff, emergency response equipment, and evacuation staging area.
- CERS ID ##: north orientation, missing emergency shutoff and evacuation staging area.
- CERS IDs ## and ##: missing evacuation staging area and emergency response equipment.
- CERS ID ##: missing emergency shutoff, evacuation staging area, emergency response equipment, and north orientation.



Example of Site Map Resolution:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure future HMBPs submitted to CERS in lieu of tank facility statements are thoroughly reviewed and contain all applicable required elements. The action plan will include steps to follow up with rejected or incomplete HMBP submittals when an HMBP is submitted to CERS in lieu of a tank facility statement.



Example of Site Map Resolution:

By the 2nd progress report, and with each subsequent progress report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes, at minimum, the following information for each APSA tank facility that submitted an HMBP in lieu of a tank facility statement that was missing applicable required elements:





Example of Site Map Resolution:

- Facility name,
- CERS ID, and
- Follow-up actions including a narrative of the applied enforcement.

By the 4th Progress Report, the CUPA will ensure each APSA tank facility has submitted a complete HMBP to CERS when an HMBP is provided in lieu of a tank facility statement, or the CUPA will have applied enforcement.



Determining RTC % for APSA Violations

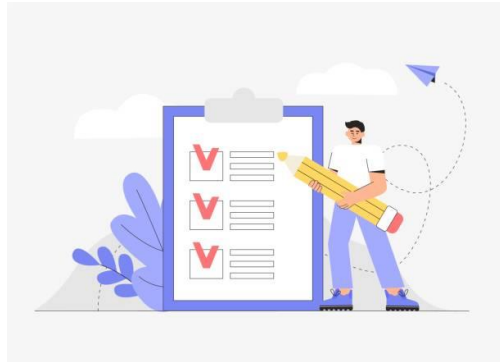
- CERS CME data review
 - CERS CME Data Download report (General/Regulator Report) with APSA Program Element selected
 - Data reviewed to examine three-fiscal year time period covered by evaluation
 - Review AST Outstanding Violations and AST Violation Details
 - Review CUPA's database information related to APSA violation history and RTC (if available)



Determining RTC % for APSA Violations

- Determination of RTC% (CERS and/or CUPA database)

Deficiency considered if any fiscal year RTC percentage is below OSFM minimum threshold or there are violation 4010001 (No SPCC Plan) instances without RTC





Example of RTC Deficiency:

The CUPA is not consistently following-up and documenting RTC information in CERS for APSA tank facilities cited with violations.

Review of CERS CME information indicates there is no documented RTC for the following violations:

FY 2019/2020

- 13 of 14 (93%) violations, including 4 violations for not having, or failure to prepare, an SPCC Plan

FY 2016/2017

- 38 of 75 (51%) violations





RTC Deficiency Corrective Action:

By the 1st Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a sortable spreadsheet obtained from the CUPA's data management system or CERS, that includes at minimum the following information for each APSA tank facility with an open violation (no RTC) cited between [date], and [date], and for each APSA tank facility with open violations (no RTC) for not preparing an SPCC Plan in FY 20##/20##:



RTC Deficiency Corrective Action:

- Facility name;
- CERS ID;
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date (when applicable);
- RTC qualifier; and
- In the absence of obtained RTC, a narrative of any enforcement or follow-up activity by the CUPA.





RTC Deficiency Corrective Action:

The CUPA will prioritize follow-up actions with each facility based on the level of hazard present to public health and the environment.

By the 3rd Progress Report and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with three APSA tank facility records, as requested by OSFM, that include RTC documentation, or a narrative of the enforcement applied by the CUPA in the absence of RTC.

Review of All APSA Violation 4010001 (No SPCC Plan) Instances



➤ CERS CME Data Download Report

- Violation 4010001 classification (No SPCC Plan) is **NOT** a minor violation
 - Facilities that operate without an SPCCC Plan present a significant threat to human health or the environment, and the violator benefits economically from noncompliance, either by reduced costs or competitive advantage
 - Classifying a violation for not having an SPCC Plan as Minor is inconsistent with and less stringent than USEPA

*Incidental Finding is considered if any instance of
Violation 4010001 is misclassified*



Example of Violation Misclassification

Incidental Finding:

The CUPA is not consistently classifying APSA Program violations properly.

The CUPA is not consistently citing appropriate APSA violations.

Review of facility files and CERS CME information indicates the following Class I or Class II APSA Program violation is classified as minor in the following instances:



Example of Violation Misclassification

Incidental Finding:

Not having, or failure to prepare, a Spill Prevention, Control, and Countermeasure (SPCC) Plan was cited as a minor violation. Facilities that operate without an SPCC Plan present a significant threat to human health or the environment and may benefit economically from noncompliance either by reduced costs or by competitive advantage. This does not meet the definition of minor violation as defined in HSC, Section 25404(a)(3).



Example of Violation Misclassification

Incidental Finding:

In addition, classifying a violation for not having an SPCC Plan as minor is inconsistent with, and less stringent than, the U.S. Environmental Protection Agency (US EPA).

- o FY 2017/2018 through FY 2020/2021 – 2 of 4 (50%)
- o FY 2021/2022 – 3 of 3 (100%)

Note: The Federal SPCC rule is not delegated to any state. The APSA Program requires consistency and compliance with the Federal SPCC rule for SPCC Plan preparation and implementation, as well as consistency with Federal enforcement guidance.



Example of Violation Misclassification Incidental Finding Resolution:

By the 1st Progress Report, the CUPA will train its inspector(s) on the definition of minor violation as defined in HSC, Chapter 6.11, Section 25404(a)(3) and how to properly classify violations during compliance inspections as minor, Class I, and Class II. Training will also include, at minimum, review of:



Example of Violation Misclassification Incidental Finding Resolution:

- Violation Classification Training Video 2014
- 2020 Violation Classification Guidance for Unified Program Agencies
- Violation Library on APSA Program violations
- APSA or SPCC Refresher (from previous conferences)
- Review the “U.S. EPA Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act” which specifies that a no SPCC Plan violation is not considered minor



Example of Violation Misclassification Incidental Finding Resolution:

The CUPA will provide CalEPA with training documentation, which will include at a minimum, an outline of the training conducted and a list of CUPA personnel attending the training.





Other Review Areas: Self-Audits, I&E Plan & Website

➤ Self-Audits

- OSFM review of CUPA Self Audit metrics and performance
- APSA facility count, annual inspections, permit process, enforcement
- CUPA discussion of program deficiencies and related corrective actions

➤ I&E Plan

- Program information on APSA and HMMP/HMIS
- Fire code reference



Other Review Areas: Self-Audits, I&E Plan & Website

➤ Area Plan

- Fire code reference
- Information on CAL FIRE-OSFM or APSA

➤ Website

- Information on APSA or HMMP/HMIS





APSA & HMMP-HMIS Programs Assessment

Glenn Warner, Evaluator



CAL FIRE – Office of the State Fire Marshal

Appendix 1 –Enclosure 1 Information Request

Slide 138



Refer to the
Evaluation
Notification
Letter from
CalEPA to
CUPAs

APSA Program Specific Documents:

- A sortable spreadsheet derived from the local data system identifying the following for each APSA tank facility storing 10,000 gallons or more of petroleum:
 - CERS ID number
 - Facility name
 - Most recent routine APSA inspection date
 - Petroleum storage amount (or the AST storage category, for example, 10,000 – 99,999 gallons), and
 - Whether the facility has been determined to be conditionally exempt from having to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan (farms, nurseries, logging or construction sites)
- If the I&E Plan identifies periodic inspections at APSA tank facilities storing less than 10,000 gallons of petroleum, provide a spreadsheet derived from the local data system identifying the following for each APSA tank facility:
 - CERS ID number
 - Facility name
 - Most recent routine APSA inspection date
 - Petroleum storage amount or the AST storage category, for example:
 - 1,320 – 9,999 gallons
 - Tank In Underground Area (TIUGA)
 - Less than 1,320 gallons
 - Whether the APSA tank facility has been determined to be conditionally exempt from having to prepare an SPCC Plan (farms, nurseries, logging or construction sites)

Appendix 1 –Enclosure 1 Information Request

- The APSA inspection checklist(s)/form(s) utilized by inspectors
- If not utilizing CERS directly for CME data tracking and reporting, a sortable spreadsheet derived from the local data system identifying each APSA violation cited at each APSA tank facility for the last three FYs through the current fiscal quarter.

The spreadsheet should include:

- CERS ID number
- Facility name
- Violation date
- Violation number
- Violation class
- RTC date

Appendix 2 –Generate APSA Facility Listing Report

Step 1:

Use Facility Search, select: APSA Submittal Element, Reporting Requirement = Applicable + Always, your CUPA as the Regulator. Then press the Search button.

Step 2: Use the Export to Excel (Details) button when downloading the spreadsheet

The screenshot shows the 'Facility Search' page on the CERS Regulator website. The navigation bar includes 'Submittals', 'Facilities', 'Businesses', 'Regulators', 'Compliance', 'Responders', and 'Reports'. The 'Facility Search' section has a breadcrumb 'Home » Facility Search'. The search form includes fields for CERS ID, Facility Name (with a 'Starts with' dropdown), Facility ID/Key, Facility Street Address (with a 'Starts with' dropdown), EPA ID Number, Last Submittal Date Range, County, and Regulator. The 'Submittal Element' dropdown is set to 'APSA', and the 'Reporting Requirement' dropdown is set to 'Applicable + Always'. The 'County' dropdown is set to 'All Counties'. A red circle highlights the 'Search' button. Below the search form is a table with columns: CERS ID, Facility Name, Street Address, City, ZIP, Facility ID, and Last Submittal. The table contains several rows of data with dates in the 'Last Submittal' column. At the bottom right, there are two buttons: 'Export to Excel (Details)' and 'Export To Excel (Brief)'. A red arrow points to the 'Export to Excel (Details)' button, which is also circled in red.

CERS Regulator

Submittals Facilities Businesses Regulators Compliance Responders Reports

Facility Search

Home » Facility Search

Search

CERS ID Facility Name Submittal Element Reporting Requirement

Starts with Starts with APSA Applicable + Always

Facility ID/Key Facility Street Address City ZIP Code

Starts with

EPA ID Number Last Submittal Date Range

Limit To Remote Facilities

Limit To Small Quantity Generators

County Regulator Local Facility Grouping

All Counties Search

Drag a column header and drop it here to group by that column

CERS ID	Facility Name	Street Address	City	ZIP	Facility ID	Last Submittal
						2/28/2022
						2/28/2022
						3/3/2021
						2/6/2022
						3/6/2021
						11/2/2020
						8/16/2021
						2/25/2022
						2/28/2022
						2/28/2022

* Non-Regulated

Export to Excel (Details) Export To Excel (Brief)

Appendix 2 –Generate APSA Facility Listing Report

Slide 14.1

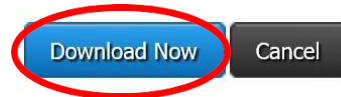


Export To Excel (Details) ×



Warning! The download you are requesting could take 5 - 10 minutes to process based on your selection criteria! The data in the spreadsheet is current as of 2/6/2019 9:55 AM. If you wish to proceed with the download select **Download Now** and please be patient.

Step 3: Press the Download Now button and wait.



Do you want to open or save FacilityListing(Details).xlsx from cersregulator2.calepa.ca.gov?



Step 4: Using the Save As option, save the file to Desktop after naming the file



HMBP Submittals (in lieu of TFS) –

- Column DO: InventoryLastSubmittedDate
- Column DT: ERTrainingLastSubmittedDate

FacilityListing(Details)(1).xlsx - Excel

Formulas Data Review View Help Inquire ACROBAT

Queries & Connections Refresh Properties Edit Links

Sort Filter

Data Tools

Forecast

2/22 11:01:00 PM

DM	DN	DO	DP	DQ	DR	DS	DT	DU
0.0088				20.0001	20.0088			
InventoryRepo	InventoryNext	InventoryLastSi	InventoryLastA	ERTrainingRegu	ERTrainingRepc	ERTrainingNext	ERTrainingLastS	ERTrainingLastA
able	2/21/2023	2/21/2022	3/1/2022	6107	Applicable	2/21/2023	3/1/2022	3/2/2022
able		2/28/2022	3/2/2022	6107	Applicable		2/28/2022	3/2/2022
able		2/28/2022	3/4/2022	6107	Applicable		2/28/2022	3/4/2022
able	2/25/2023	2/25/2022	3/1/2022	6107	Applicable	2/25/2023	2/25/2022	3/1/2022
able		2/25/2022	3/2/2022	6107	Applicable		2/25/2022	3/2/2022
able	2/25/2023	3/1/2022	3/1/2022	6107	Applicable	2/25/2023	2/25/2022	3/1/2022
able		2/24/2022	3/2/2022	6107	Applicable		2/24/2022	3/2/2022
able		2/22/2022	2/22/2022	6107	Applicable		2/22/2022	2/22/2022
able	2/14/2023	2/14/2022	2/15/2022	6107	Applicable	3/1/2022	2/14/2022	12/22/2020
able	2/12/2023	2/12/2022	2/15/2022	6107	Applicable	2/12/2023	2/12/2022	2/15/2022
able		2/10/2022	2/15/2022	6107	Applicable		2/10/2022	2/15/2022
able		2/9/2022	2/10/2022	6107	Applicable		2/9/2022	2/10/2022

Last APSA Routine Inspection Date- Column FE



FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ
				Inspections					
.0088									
Reporting	CalARPNextDue	CalARPLastSubn	CalARPLastAcce	APSARoutineInspectionDat	CalARPLastInspe	CALastInspector	CELastInspector	HHWLastInspect	HMRRPLas
licable				3/2/2022					11/
licable				3/1/2022					3/
licable				2/23/2022					2/2
licable				2/17/2022					2/1
licable				2/8/2022					2/
licable				2/7/2022					2/
licable				1/27/2022					1/2
licable				1/27/2022					1/2
licable				1/5/2022					1/
licable				12/29/2021					1/2
licable				12/15/2021					12/1
licable				12/8/2021					12/
licable				12/7/2021					12/
licable				11/30/2021					
licable				11/18/2021					11/1
licable				11/18/2021					11/1
licable				11/15/2021					11/1
licable				11/4/2021					11/
licable				11/2/2021					11/
licable				10/29/2021					10/2
licable				10/28/2021					10/2

Appendix 3 — Generate APSA CME Report Slide 144

CERS Regulator



Submittals

Facilities

Businesses

Regulators

Compliance

Responders

Reports

Reports

[Home](#) » [Reports](#)

[Instructions/Help](#)

If you have an idea/suggestion for a report, please review the proposed/scheduled [CERS Enhancements Listing](#). If you don't see it there, click the CERS Enhancement Request Submit button on that page to offer your suggestion to the CERS change management governance process.

General Reports

Regulator Reports

[Unified Program Local Reporting Requirements Listing](#)

View/search/download local reporting requirements for all CUPAs statewide.

[CUPA Electronic Reporting Status](#)

This report summarizes by CUPA the count of facilities in CERS and how many have reported on various submittal elements during a specified time period. CUPAs and Cal/EPA can use this report to evaluate CUPA progress toward meeting the electronic reporting mandates.

[Regional Inventory Materials Search](#)

This report allows UPAs to search for specific materials in the last submitted inventories for all facilities in the user's CUPAs (or statewide for statewide viewers/regulators).

[CUPA Evaluation Documents](#)

Search/download CUPA Evaluation Documents by year.

[New Facilities Added To CERS](#)

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[Facility Reporting Status](#)

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[CME Data Download](#)

Download Compliance, Monitoring, and Enforcement information including RCRA Large Quantity Generator facilities.

[Unified Program Agency Enforcement Summaries](#)

Search/download Formal Enforcement Summary documents received from CUPAs.

"Business Plan" Reports

[Hazardous Material Inventory Download](#)

Download a set of the latest accepted or submitted hazardous material inventories for facilities regulated by your regulatory agency.

[Accepted Facility Information Download](#)


Download a set of the latest accepted facility information for facilities regulated by your regulatory agency.

APSA Program Reports



[APSA Facility Information Report](#)

Download the latest accepted or submitted APSA Facility Information data for regulated APSA facilities.

Appendix 3 — Generate APSA CME Report



CERS Regulator  **Submittals** **Facilities** **Businesses** **Regulators** **Compliance** **Responders** **Reports**



Report: CME Data Download
[Home](#) » [Reports](#) » CME Data Download

 **Instructions/Help** 


This report generates an Excel file download CME (Inspection, Violation, Enforcement) data including RCRA Large Quantity Generator facilities.

Report: CME Data Download

Regulator  **Program Element**  **Inspection/Enforcement Date Range** **CERS ID**

 to 

Only Include Current Facility Reported as RCRA Large Quantity Generator

Generate Excel Report 

1. Select your CUPA as the Regulator

2. Select Program Element: APSA

3. Press the 'Generate Excel Report' button

Appendix 3 — APSA CME Report

CERS AST CME Data Download

This spreadsheet contains AST Inspection, Violation, and Enforcement data exported from the California Environmental Reporting System (CERS). Use Excel's worksheet tabs or the hyperlinks below to access the exported data. The count of exported records is the count of unique CERS IDs where the facility is regulated by one or more UP program elements, including those where only the Facility Information submittal element is applicable. The sum of regulated facilities under each program element may be larger as some facilities will be regulated by more than one UP program element.

Inspection data may not be correct if the report is run before the UPA has completed reporting inspection data for the selected reporting period

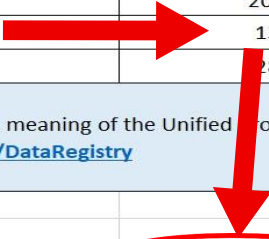
Data Export Date/Time: 2/26/2022 12:22:41 PM

Record Filter Criteria (if any): Facility regulated by

Generated Worksheets	Count of Exported Records	Routine Inspection	Other Inspection	Routine Class 1 & 2 RTC within 90 Days	Class I Violation	Class II Violation	Minor Violation
Regulated Facilities	5735						
AST Inspections	1333	396	937	13.64%			
AST Violations Details	2009				5	487	1517
AST Outstanding Violations	132						
AST Enforcements	282						

For more information about the meaning of the Unified Program Data Dictionary (UPDD) codes, visit the CUPA Data Registry at the following URL:

<https://cersapps.calepa.ca.gov/DataRegistry>



AST Outstanding Violation

Violations without RTC are listed on AST Outstanding Violation tab

Appendix 4 –Generate APSA Facility Information Report

CERS Regulator



Submittals

Facilities

Businesses

Regulators

Compliance

Responders

Reports

Reports

[Home](#) » [Reports](#)

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[CUPA Evaluation Documents](#)

Search/download CUPA Evaluation Documents by year.

[New Facilities Added To CERS](#)

View/search/download Facilities added to CERS within the last 30 days, or custom date range.

[Facility Reporting Status](#)

View the Reporting Requirements for all facilities in the selected CUPA, and search for facilities that have not reported to CERS since a specified date.

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Search/download Formal Enforcement Summary documents received from CUPAs.

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[Hazardous Material Inventory Download](#)

Download a set of the latest accepted or submitted hazardous material inventories for facilities regulated by your regulatory agency.

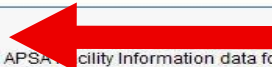
[Accepted Facility Information Download](#)

Download a set of the latest accepted facility information for facilities regulated by your regulatory agency.

APSA Program Reports

[APSA Facility Information Report](#)

Download the latest accepted or submitted APSA Facility Information data for regulated APSA facilities.



Appendix 4 –Generate APSA Facility Information Report

CERS Regulator [Home](#) [Submittals](#) [Facilities](#) [Businesses](#) [Regulators](#) [Compliance](#) [Responders](#) [Reports](#)

APSA Program Report: APSA Facility Information

[Home](#) » [Reports](#) » [APSA Program](#) » [APSA Facility Information Report](#)

[Instructions/Help](#)

This report generates an Excel file containing APSA Facility Information data.

- Selecting 'accepted' APSA data (this is the default for this report) provides a report of APSA Facility Information data for every regulated APSA site *that has at least one accepted APSA submittal*.
- Selecting 'last submittal only' provides a report of APSA Facility Information data derived from the **most recent** submittal with a status of 'submitted', 'in process' or 'accepted'. This report may not provide complete data as it does not include data from prior other 'accepted' submittals. 'Not accepted' submittals are not included in either report.

APSA Program Report: APSA Facility Information

Regulator: Sacramento County Environmental Management Department

Date Submitted: to

CERS ID:

Total Capacity >= Gallons

Include Conditionally Exempt

Accepted Submittal Only

Last Submittal Only (regardless submittal status)

[Generate Excel Report](#)

1. Select your CUPA as the Regulator

2. Select 'Last Submittal Only'

3. Press the 'Generate Excel Report' button



Appendix 4 –APSA Facility Information Report

APSA Facility Information Report

This spreadsheet contains APSA Facility Information exported from the California Environmental Reporting System (CERS).

Use Excel's worksheet tabs or the hyperlinks below to access the export data. Please note, this exported data includes all APSA Facility data **reported** regardless of whether it has been reviewed or accepted by Regulators. Use the **Record Filtering** to limit the exported data to only that which has been 'accepted' by the regulator.'

Report contents:

- The Overview tab includes the total number of regulated APSA facilities, number of APSA facilities that were reported as Conditionally Exempt, number of APSA facilities that reported a Total Aboveground Petroleum Storage Capacity of 10K gallons or more, and number of APSA facilities that reported 1 or more Tanks in Underground Areas.
- The 'APSA Facility Info' tab includes Facility Identification and Location, APSA Facility Information, Regulator, and Inspection information for the APSA facility

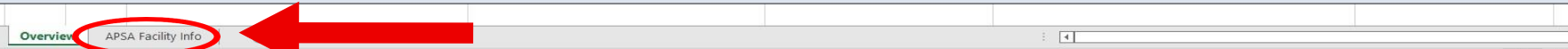
Data Export Date/Time: 2/26/2022 12:51:56 PM

Record Filtering Criteria (if any): Facility regulated by "CERS"

Generated Worksheets	Facilities	Conditionally Exempt	Total Capacity 10K gallons or more	TIUGA > 0
APSA Facility Info	518	93	98	57

For more information about the meaning of the Unified Program Data (UPDD) codes, visit the CUPA Data Registry at the following URL:

<https://cersapps.calepa.ca.gov/DataRegistry>



Individual facility details are summarized on the APSA Facility Info tab

Appendix 4 –APSA Facility Information Report

F	G	H	I
APSA Facility Information			
800	801	802	803
Conditionally Exempt	Date of SPCC Plan Certification or Date of 5-Year Review	Total Aboveground Storage Capacity of Petroleum	Number of Tanks in Underground Area(s)

Key information each facility submits includes:

- Conditionally exempt designation (yes or no)
- SPCC Plan date, or SPCC Plan 5-year review date (whichever is more recent)
- Total APSA petroleum storage capacity (gallons)
- Number of tanks in underground areas (TIUGA)

OSFM Evaluation Forms:

- Form 1- Discussion Topics with the Fire Chief
- Form 2- Unified Program Agency (UPA) Facility File Review Checklist
- Form 3- UPA Evaluation Checklist

<https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/>

Any Questions?



- James Hosler, Chief of Pipeline Safety, CUPA & AFFF
 - James.Hosler@fire.ca.gov
- Jennifer Lorenzo, Senior Environmental Scientist (Supervisor)
 - Jennifer.Lorenzo@fire.ca.gov
- Glenn Warner, Senior Environmental Scientist (Specialist)
 - Glenn.Warner@fire.ca.gov
- Denise Villanueva, Environmental Scientist
 - Denise.Villanueva@fire.ca.gov
- Mary Wren-Wilson, Environmental Scientist
 - Mary.Wren-Wilson@fire.ca.gov

OSFM "CUPA" Program at cupa@fire.ca.gov

(916) 263-6300



PAY ATTENTION



IT'S BREAK TIME.



Evaluation and Assessment of the Hazardous Waste Generator (HWG) Program

Matt McCarron, DTSC



Department of
Toxic Substances
Control

25th California Unified Program
Annual Training Conference
March 20 – 23, 2023





Agenda:

1. Purpose of CUPA evaluations
2. Evaluation Process overview
3. CERS data extracts used for evaluation
4. What do we find –most common issues
5. Tips





STRESS BUSTERS

Classroom
Stress Reduction
Boot Camp

A graphic with a teal background and a pink scalloped border. At the top, a black and white photo of the Ghostbusters team is shown. In the center, the words "STRESS BUSTERS" are written in large, bold letters, with a red "no" symbol over the word "STRESS". Below this, the text "Classroom Stress Reduction Boot Camp" is written in green, yellow, and blue. At the bottom left, a hand is shown holding a yellow stress ball with a smiley face.



Purpose of CUPA Evaluations for DTSC

- ✓ **Functional Inspection and Enforcement programs**
- ✓ **Consistency across the State**
- ✓ **EPA authorization**
- ✓ **Provide support for frontline agencies**





Purpose of CUPA Evaluations for DTSC

- ✓ Inspection Fundamentals
- ✓ Tools /Training





impact
evaluation tracking
plan value measures planning
outcomes





DTSC Pre-Evaluation Process

- **Previous evaluations**
- **CERS data check**
- **Check HWTS and Complaints**
 - **We use this information to pick facility files for review**





DTSC Evaluation Process

- ✓ **CUPA submitted data and files**
- ✓ **Oversight inspections with CUPA**





DTSC Evaluation Process

- ✓ CERS Data review
- ✓ Document Review





DTSC Evaluation Process-CERS extracts


- **Compliance: Violations, Inspections & Enforcement**
- **Facilities = Always and Applicable**
- **Submittals = All Statuses**
- **Reports – All HW CME reports**







DTSC Evaluation Process-CERS extracts

California Environmental Reporting System: Regulator Matthew McCarron's Account Sign Out Tools Reports Help

CERS Regulator  **Submittals** **Facilities** **Businesses** **Regulators** **Compliance** **Responders** **Reports**

Regulator Home
Home

Instructions/Help  

Welcome to the CERS Regulator Portal. Review the Dashboard and Action Required Panels below for submittals and requests requiring attention by your agency. Select the links across the top of the page to access other CERS data. New users may wish to review the [Regulator Portal Questions and Answers Page](#).

I would like to...

- [View/Search My Agency's Submittals](#)
- [View All Actions Needed](#)
- [Search Inspections \(New Inspection\)](#)
- [Search Enforcements \(New Enforcement\)](#)

Other Tasks

- [All CERS Regulator Reports...](#)
- [Register with another Regulator](#)
- [CERS Enhancement Listing](#)





Compliance Tab

Excel Extracts for:

- ✓ Inspections
- ✓ Violations
- ✓ Enforcement

- ✓ Sort for Evaluation timeframe

California Environmental Reporting System: Regulator Matthew McCarron's Account Sign Out Tools Reports Help

CERS Regulator Home Submittals Facilities Businesses Regulators Compliance Responders Reports

Statewide CME* Information (Inspections, Violations, Enforcement Actions)

[Home](#) » [Compliance](#)

[Inspection Search](#)
Search and view inspections conducted by all CUPAs/PAs statewide.

[Violation Search](#)
Search and view violations cited by all CUPAs/PAs statewide.

[Enforcement Action Search](#)
Search and view enforcement actions by all CUPAs/PAs statewide.

[Upload CME Data](#)
Upload your agency's inspection, violation, and enforcement data in "flat-file" format using a rigorously defined Microsoft Excel template.

*CME standards for Compliance, Monitoring, and Enforcement, a commonly used federal environmental acronym.

Version 3.06.0001 | [Enhancements](#) | [CERS Central](#) [Diagnostics](#) | [Conditions of Use](#) | [Privacy Policy](#) | [Contact](#) | [Help](#)

California Environmental Reporting System: Business | © 2022 California Environmental Protection Agency
CERS Technical Support: [Request Technical Assistance](#)

Home CERS Help Settings »





Facilities Search

✓ Facilities with HW

✓ Facilities with Treatment

California Environmental Reporting System: Regulator Matthew McCarron's Account Sign Out Tools Reports Help

CERS Regulator Home **Submittals** **Facilities** Businesses Regulators Compliance Responders Reports

Facility Search

[Home](#) » Facility Search

Search

CERS ID	Facility Name	Submittal Element	Reporting Requirement
<input type="text"/>	Starts with <input type="text"/>	--Any Submittal Element-- <input type="text"/>	Applicable + Always <input type="text"/>
Facility ID/Key	Facility Street Address	City	ZIP Code
<input type="text"/>	Starts with <input type="text"/>	<input type="text"/>	<input type="text"/>
EPA ID Number	Last Submittal Date Range	<input type="checkbox"/> Limit To Remote Facilities	<input type="checkbox"/> Limit To Small Quantity Generators
<input type="text"/>	<input type="text"/> to <input type="text"/>	<input type="checkbox"/> Local Facility Grouping	<input type="text"/>
County	Regulator	<input type="button" value="Search"/>	
All Counties <input type="text"/>	-- All Regulators -- <input type="text"/>		

Enter your search criteria above and select the Search button

Version 3.06.0001 | [Enhancements](#) | [CERS Central](#) [Diagnostics](#) | [Conditions of Use](#) | [Privacy Policy](#) | [Contact](#) | [Help](#)

California Environmental Reporting System: Business | © 2022 California Environmental Protection Agency

CERS Help Settings





Facilities Search

- ✓ Export to Excel (details)
- ✓ Facilities with Treatment with the Submittal Element

California Environmental Reporting System: Regulator Matthew McCarron's Account | Sign Out | Tools | Reports | Help

CERS Regulator Home Submittals Facilities Businesses Regulators Compliance Responders Reports

Facility Search
Home » Facility Search

Search

CERS ID

Facility Name Starts with

Facility ID/Key

Facility Street Address Starts with

EPA ID Number

Last Submittal Date Range to

County Regulator Anaheim City Fire Department

Submittal Element **--Any Submittal Element--** Reporting Requirement Applicable + Always

City ZIP Code

Limit To Remote Facilities Limit To Small Quantity Generators Local Facility Grouping

Drag a column header and drop it here to group by that column

CERS ID	Facility Name	Street Address	City	ZIP	Facility ID	Last Submittal
10124551	Disneyland Resort	1313 S. Harbor Blvd.	Anaheim	92803	30-011-000463	2/6/2023
10124752	AT&T California - CA156	3031 E La Palma Ave	Anaheim	92806	30-011-000431	1/9/2023
10124755	AT&T California - CA100	217 N Lemon St	Anaheim	92805	30-011-000685	2/18/2023
10125625	Pride Machinery, Inc.	1330 N. Red Gum St.	Anaheim	92806	30-011-002225	7/27/2021
10125925	GZ & S INC (ARCO)	1801 S State College Blvd	Anaheim	92806	30-011-002735	9/27/2022
10124761	AT&T California - CB388	7295 E Columbus Dr	Anaheim	92807	30-011-000225	1/14/2023
10124767	AT&T California - CA101	3502 West Orange Ave	Anaheim	92804	30-011-000960	2/17/2023
10128940	Leslie's Swimming Pool Supplies No. 06	801 S. Euclid St.	Anaheim	92802	30-011-000276	2/21/2022
10131697	The Home Depot Store #6643	1095 N Pullman St	Anaheim	92807	30-011-0014703	1/5/2023
10126954	TESORO (THRIFTY) 42135	2811 W LINCOLN AVE	ANAHEIM	92801	30-011-002070	1/27/2023

* Non-Regulated

Page 1 of 155 | 10 items per page | 1 - 10 of 1545 items

Version 3.08.0017 | Enhancements | CERS Central Diagnostics | Conditions of Use | Privacy Policy | Contact | Help

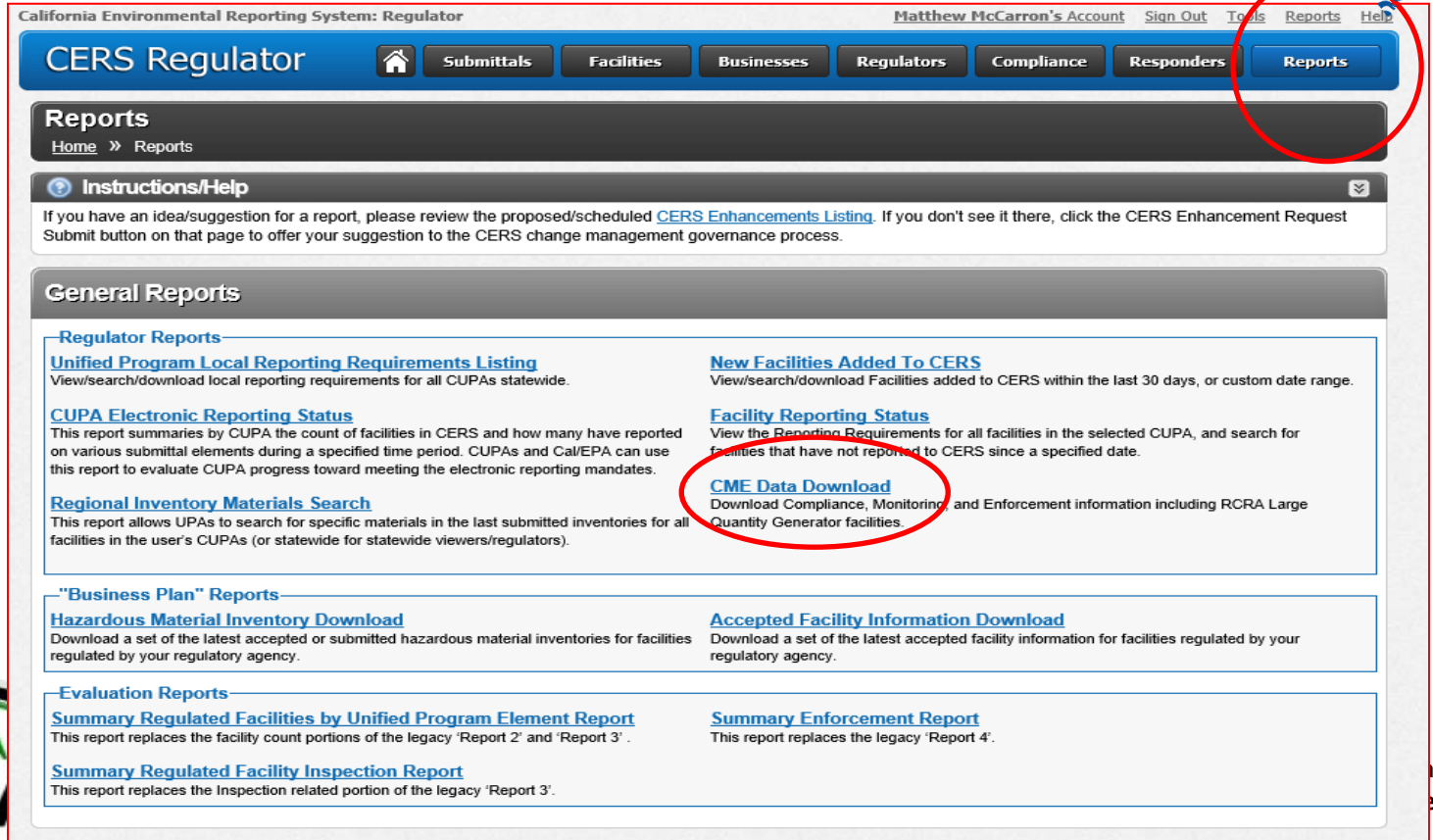
California Environmental Reporting System: Business | © 2023 California Environmental Protection Agency



CERS CME Data Extracts

Take downloads of
all HWG listings:

- Hazardous Waste Generator
- RCRA LQG
- Recycler
- PBR
- CA
- CE
- HHW



California Environmental Reporting System: Regulator Matthew McCarron's Account Sign Out Tools Reports Help

CERS Regulator Home Submittals Facilities Businesses Regulators Compliance Responders Reports

Reports
Home » Reports

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General Reports

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---	--

"Business Plan" Reports

<p>Hazardous Material Inventory Download Download a set of the latest accepted or submitted hazardous material inventories for facilities regulated by your regulatory agency.</p>	<p>Accepted Facility Information Download Download a set of the latest accepted facility information for facilities regulated by your regulatory agency.</p>
--	--

Evaluation Reports

<p>Summary Regulated Facilities by Unified Program Element Report This report replaces the facility count portions of the legacy 'Report 2' and 'Report 3'.</p> <p>Summary Regulated Facility Inspection Report This report replaces the Inspection related portion of the legacy 'Report 3'.</p>	<p>Summary Enforcement Report This report replaces the legacy 'Report 4'.</p>
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CERS-Other helpful reports

-Summary Regulated Facilities by Unified Program Element Report

-Summary Regulated Facility Inspection Report

-Summary Enforcement Report

California Environmental Reporting System: Regulator

Matthew McCarron's Account Sign Out Tools Reports Help

CERS Regulator Home Submittals Facilities Businesses Regulators Compliance Responders Reports

Reports Home » Reports

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View the reporting requirements for all facilities in the selected CUPA, and search for facilities that have not reported to CERS since a specified date.

[CME Data Download](#)
Download Compliance, Monitoring, and Enforcement information including RCRA Large Quantity Generator facilities.





What do we find?





DTSC Evaluation Process

- ✓ Outstanding efforts/Accomplishments/Challenges
- ✓ Observations
- ✓ Incidental Findings
 - ✓ **Requires a resolution to correct.**
- ✓ Deficiencies in program elements
 - ✓ **Corrective actions taken to remedy a program deficiency and prevent repeated deficiency in that area.**





Common Findings/Deficiencies

- **Inspection frequency**
- **Return to Compliance**
- **Violation Classification**
- **Compliance, Monitoring, and Enforcement (CME) data**
- **Inspection and Enforcement (I&E) Plan**





Common Deficiencies/Findings

- **Permit By Rule Submittals.**
- **Incomplete Inspection – Oversight Inspection**
- **Factual Basis and Observations**
- **CUPA not regulating all generators**
- **Training requirements**





Evaluations can be helpful !

- ✓ Demonstrates your many efforts
- ✓ Assists to develop tools
- ✓ Roadmap for Manager/Staff
- ✓ Statewide Consistency





Tips!



- ✓ Progress reports process
- ✓ Annual Self Audit and I&E Plan update
- ✓ Data Management procedures
- ✓ Inspectors preparing for an inspection
- ✓ **Use these presentations during the Self Audit!**





Emerging issues:

- ✓ Repeated deficiencies
- ✓ Open violations from Previous evaluations
- ✓ Sampling Capability
- ✓ Evidence documentation





Appendix of Deficiency Detail

See sperate list of deficiency information with detail and limits to meet to avoid deficiencies.



Any Questions?



Contacts for CUPA evaluation Staff

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- Pheleep Sidhom 510-540-3911 pheleep.sidhom@dtsc.ca.gov

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Any Questions?



If you don't get to ask today...

Fill out an index card and we'll get back to you.

Please include:

- Name
- Who the question is for:
 - CalEPA, DTSC, OSFM, State Water Board
- Question or comment
- Contact Information (email or phone)



Department of
Toxic Substances
Control

Appendix of Deficiency Detail





Information for Accomplishments and Challenges:

- We are looking to describe your program efforts to implement the program
 - Changes since last evaluation
 - Impacts of external events
 - Staffing changes
 - Trainings given to regulated facilities
 - Working with other agencies and CUPA Forum initiatives
 - If we see outstanding efforts in your programs, we will feature that!
 - Try to provide to us in Kick off meeting





Appendix for DTSC portion: Common Findings and Deficiencies

- ✓ CalEPA to release updated library of most common list on website
- ✓ Not a complete list





Appendix for DTSC portion: Common Findings and Deficiencies

- ✓ **Important: CME Data must be in CERS as it is required. 27 CCR 15290(a)(3)**
- ✓ **CUPA should review/update it's data management procedures regularly, especially if any BDO issues a CME finding or observation.**





Common Deficiencies

➤ #1 Inspection frequency for generators and tiered permitting.

- I and E Plan sets inspection frequency for generators
- Use the Reports: CERS Inspection Report and Facilities data export scrutiny information for evaluation period and compare to Self Audit info.
- We are looking for one "Routine" inspection during the evaluation period
 - Self Audit often uses "in-house" data and can differ from CERS information.

❖ **Corrective action is a plan to achieve I and E Plan inspection frequency requirements (and avoid repeating deficiency in next evaluation period).**





Common Deficiencies

➤ #2 Return to Compliance

- Review violation listings and CME data for RTC information
- Compare to violations with no RTC.

❖ **Corrective action is a plan to achieve greater than 90% RTC for violations in the evaluation period.**

❖ **RTC is the facility's responsibility. CUPA should document follow up actions in the facility file to demonstrate efforts in returning the facility to compliance.**





Common Deficiencies

➤ #3 Violation Classification.

➤ Review of CME data, facility file information, and I and E Plan description of proper violation classification.

➤ See CalEPA updated Violation Classification guide:

<https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf>

❖ **Corrective action typically includes training and submittal of inspections reports with properly classified violations.**





Common Deficiencies

➤ #4 Compliance Monitoring and Enforcement (CME) data.

- Done in conjunction with CalEPA, we review Self audits, facility file info and data quality. CERS CME reports to include inspection program type, violation codes, descriptions of violations, enforcement, and completeness of inspection data.
- Compare information to see if there are missing elements.

❖ **Corrective action required to correct missing data.**





Common Deficiencies

➤ #5 Inspection and Enforcement Plan.

- I and E plan review - required elements from 27 CCR 15200(a) (1-14)
 - Complaints
 - Sampling processes and capabilities (new since 7/1/2018)
 - Inspection frequency
 - Inspection and Enforcement process
 - Violation classification

➤ **Corrective action to update I and E Plan to meet regulatory requirements.**





Common Deficiencies

➤ #6 Complaints

- Check CalEPA database for referred complaints and compare to complaint and disposition information provided from CUPA.
- Check to see if CUPA followed up on complaints.

❖ **Corrective action is to request the CUPA to address complaints and/or review internal processes to respond to complaints and provide feedback to CalEPA.**

❖ New database beginning April 2016, older complaints being uploaded to database for tracking. Need to check CUPA contacts info if there was turnover in who receives complaints.





Common Deficiencies

➤ #7 Permit By Rule Submittals.

- PBR on-site treatment facilities must notify annually and CUPA must accept or reject in 45 days (22 CCR 676450.3(d)).
- Check CERS Submittal listing, export to excel and review dates for PBR submittals and approval or denial by CUPA.
 - Were the annual notifications submitted?
 - Did the CUPA accept or reject PBR submittal in 45 days?

❖ **Corrective action to address PBR submittal deficiencies along with training.**





Common Deficiencies

➤ #8 Incomplete Inspection – Oversight Inspection.

- DTSC staff accompanies CUPA inspector during an inspection and evaluates preparation, walk through, document review and violations noted and correctly cited.
- Deficiency noted if inspector unable to correctly identify and classify violations, does not conduct complete inspection, inspection report/NOV doesn't include violation details and required corrective actions.
- DTSC may conduct an independent Verification inspection on a facility recently inspected by the CUPA, if DTSC finds violations that existed when the CUPA inspected, then an incomplete inspection deficiency would be issued.

❖ **Corrective action is additional training for staff.**





Common Deficiencies

➤ #9 Factual Basis and Observations.

- Did the inspector provide a factual basis and corrective action for a violation?
- Check CERS CME data, inspection reports submitted and I and E Plan details.
 - DTSC checks violations to see if violation descriptions are blank or if the default language adequately describes the violation.
 - Generic Codes should not be used when there is a specific violation to cite.
- ❖ **Corrective action includes staff training and require facility inspection report submittals to show changes.**





Common Deficiencies

➤ #10 CUPA not identifying/regulating all generators or on-site treatment facilities.

- Review HWTS data for facilities in CUPA jurisdiction and check against CUPA facilities inventory.
- Is the CUPA regulating CESQGs and farms as appropriate?
- How does the CUPA track new and closing businesses?
 - CESQGs that bring their waste to HHW facility or oil drop off need to be in the CUPA program.

❖ **Corrective action is a plan to identify all generators and TP facilities within jurisdiction and ensure they're regulated.**





Common Deficiencies

➤ #11 Enforcement and Graduated Series of Enforcement.

- I and E plan details inspection and enforcement process. Does the CUPA follow the I and E Plan? 27CCR 15200(a) 1-14
- Upgrading minor violations that are chronic or violator is recalcitrant.
- Informal enforcement process important, as responses and interaction show that the CUPA is trying to “level the playing field” among HWGs.
- All CUPAs should have ability to pursue formal enforcement.

❖ **Corrective action is ensuring formal enforcement is conducted when following the CUPA’s I and E Plan.**





Generic Observation for Hazardous Waste program:

We take a look at your CERS statistics for the evaluation period to provide overall context for that program:

- How many Generators
- How many and what types of inspections
- How often are violation issued and how many and what types by classification
- RTC efforts
- We look at your website
- We review inspection reports for details
- We look at formal enforcement stats settled in that period

