Welcome!

The CUPA Performance Evaluation & Assessment Process

February 29, 2024

Th-D1 8:00-11:45 AM

26th California Unified Program Annual Training Conference
February 26-29, 2024

Introductions

State Agency		Presentation Information	Presenters
	CalEPA	Overview of Presentation Overview of Evaluation Process CalEPA Assessment	Jess Snow Tim Brandt Kaeleigh Pontif
	State Water Board	UST Program Assessment	Kaitlin Cottrell Magnolia Busse Michelle Suh
	CalEPA	HMBP Requirements and CalARP Program Assessment	Garett Chan Julie Unson Andrea Moron-Solano Alexa Kostrikin
	DTSC	HWG Program Assessment	Brennan Ko-Madden Pheleep Sidhom Mia Goings
	OSFM	APSA Program Assessment	Denise Villanueva Mary Wren-Wilson Glenn Warner

If You Have Questions…

To ensure we can present all information from each state agency, please be patient and ask questions at the end of the full presentation.

The CUPA Performance Evaluation Process & CalEPA Assessment

Jess Snow, CalEPA Evaluation Team Lead

CalEPA

26th California Unified Program Annual Training Conference
February 26-29, 2024

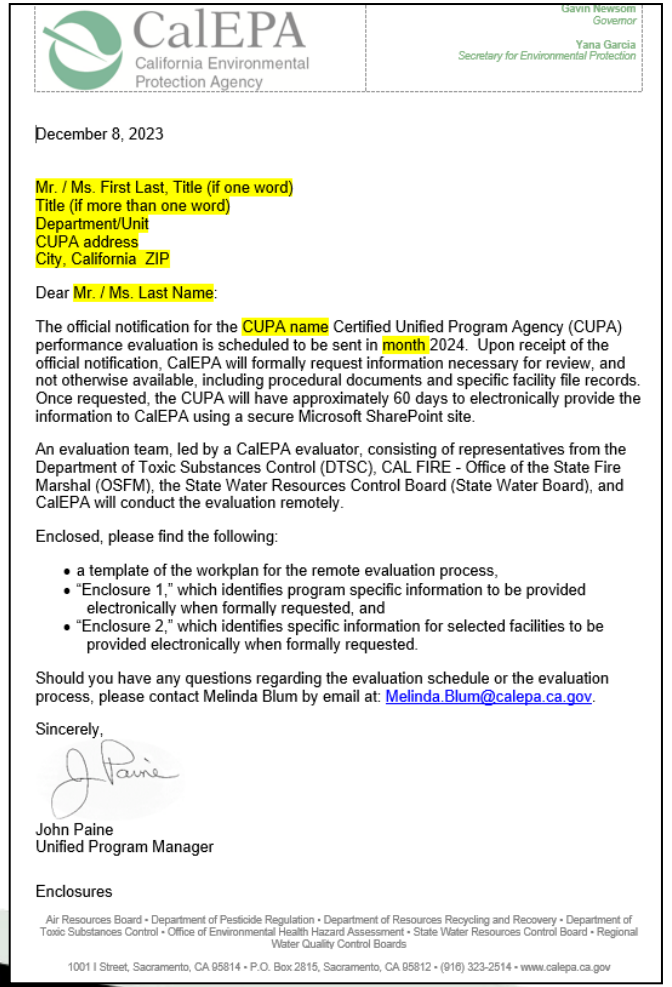
The Evaluation Process

- **Notification Letter**
  - Pre- Notification Letter
- **Establishing the Workplan**
- **Providing Information**
  - SharePoint
- **Kickoff Meeting**
  - Begin Assessment
- **Follow-Up Information Request**
  - 1st Team Meeting
- **Q&A Meeting**
  - 2nd Team Meeting
- **Exit Briefing Meeting**
  - Final Summary of Findings (FSOF) Report Issued
- **Evaluation Progress Report (EPR) Process**
  - **In the event it's late, don't wait!**

CALIFORNIA CUPA FORUM

Pre- Notification Letter and Notification Letter

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



CalEPA
California Environmental Protection Agency

Gavin Newsom
Governor

Yana Garcia
Secretary for Environmental Protection

December 8, 2023

Mr. / Ms. First Last, Title (if one word)
Title (if more than one word)
Department/Unit
CUPA address
City, California ZIP

Dear Mr. / Ms. Last Name:

The official notification for the CUPA name Certified Unified Program Agency (CUPA) performance evaluation is scheduled to be sent in month 2024. Upon receipt of the official notification, CalEPA will formally request information necessary for review, and not otherwise available, including procedural documents and specific facility file records. Once requested, the CUPA will have approximately 60 days to electronically provide the information to CalEPA using a secure Microsoft SharePoint site.

An evaluation team, led by a CalEPA evaluator, consisting of representatives from the Department of Toxic Substances Control (DTSC), CAL FIRE - Office of the State Fire Marshal (OSFM), the State Water Resources Control Board (State Water Board), and CalEPA will conduct the evaluation remotely.

Enclosed, please find the following:

- a template of the workplan for the remote evaluation process,
- "Enclosure 1," which identifies program specific information to be provided electronically when formally requested, and
- "Enclosure 2," which identifies specific information for selected facilities to be provided electronically when formally requested.

Should you have any questions regarding the evaluation schedule or the evaluation process, please contact Melinda Blum by email at: Melinda.Blum@calepa.ca.gov.

Sincerely,

John Paine
Unified Program Manager

Enclosures

Air Resources Board • Department of Pesticide Regulation • Department of Resources Recycling and Recovery • Department of Toxic Substances Control • Office of Environmental Health Hazard Assessment • State Water Resources Control Board • Regional Water Quality Control Boards

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CALIFORNIA CUPA FORUM

Establishing the Workplan

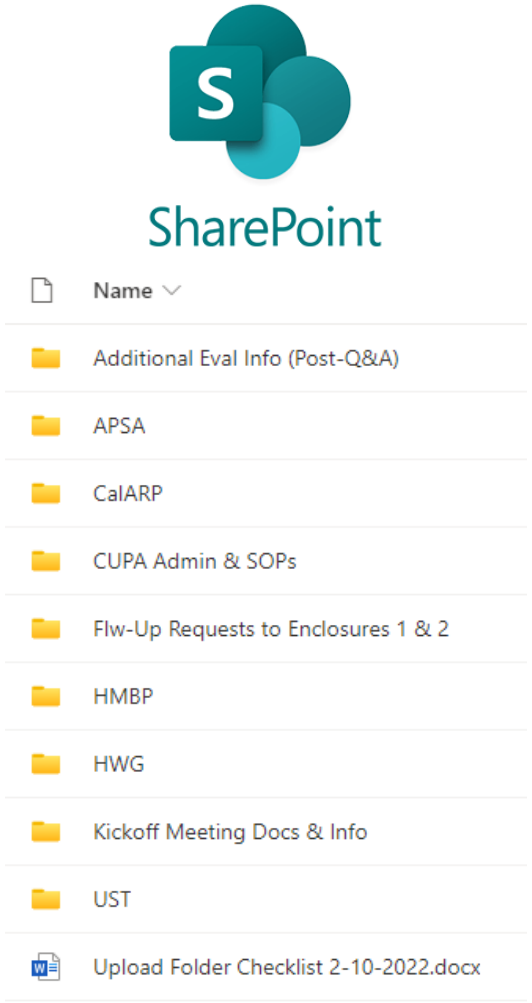
- CalEPA Team Lead works with CUPA to establish meeting dates:
  - Kickoff, Q&A and Exit Briefing
- Oversight and/or Verification inspections coordinated with CUPA
  - CalEPA, DTSC and/or State Water Board

- Establishes deadlines for:
  - SharePoint Upload
    - Follow up and missing information requests
  - Supplemental Questionnaire
  - *PRELIMINARY* Summary of Findings (*PSOF*)
    - Provide additional information to be considered during the evaluation
  - Providing Final Summary of Findings (FSOF) to CUPA

Providing Information

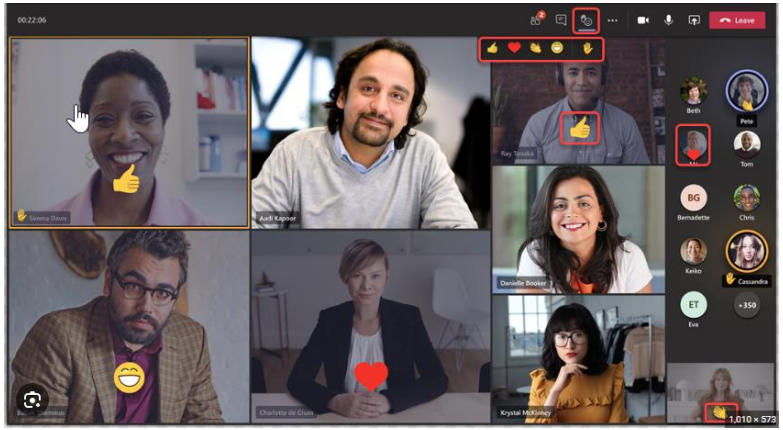
SharePoint

- 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 requested information.



Kickoff Meeting, Begin Assessment

- Meet the Evaluation Team
- Meet the CUPA Representatives
- Evaluation process overview and confirm SharePoint access
- Overview of CUPA Program Implementation (optional)
- Discuss accomplishments and/or challenges since the last evaluation
- Review Supplemental Questionnaire
- Review Workplan



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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 conducts preliminary review of uploaded information and notifies CalEPA Team Lead of missing information
  - Sends Follow-Up or Missing Information Request to CUPA to provide missing information from Enclosures 1 and 2
- CUPA uploads requested follow-up or missing information from 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 PSOF at 1st Team Meeting

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Questions & Answers (Q&A) Meeting

<u>A facilitated review and discussion of:</u>

- DRAFT PSOF Report
- Additional Information Requests
  - Identify any additional information needed to clarify any potential deficiencies/incidental findings or to be considered during the evaluation
- 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 receives the PSOF Report one week prior to Exit Briefing meeting.

A facilitated review and discussion of the "final" *DRAFT of the*
PRELIMINARY Summary of Findings Report

Review proposed timeline for corrective actions and resolutions

...and Then

- State Evaluation Team supervisors review PSOF Report and generate the "final" *Summary of Findings (FSOF) Report*
- Program Implementation Rating is Determined
- FSOF is issued to CUPA
- Evaluation Progress Report (EPR) process begins

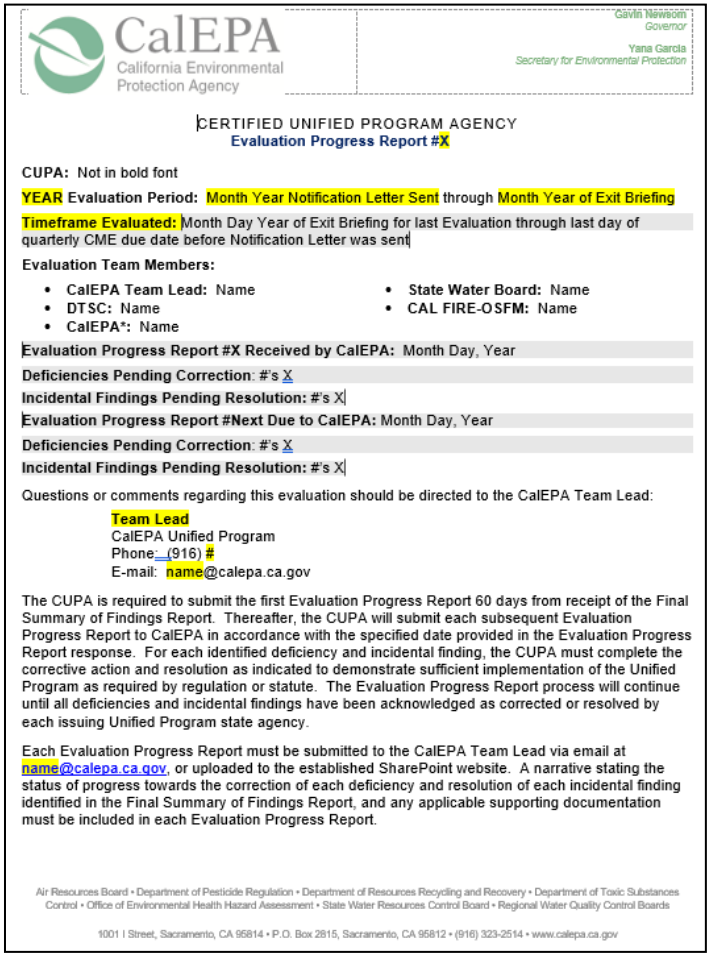
CALIFORNIA CUPA FORUM

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 dependent upon date established with EPR BDO Responses
  - We are flexible with the timeline.
  - We much prefer a quality response rather than an incomplete response to meet a deadline.

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



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Secretary for Environmental Protection

CERTIFIED UNIFIED PROGRAM AGENCY
Evaluation Progress Report #X

CUPA: Not in bold font

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

Timeframe Evaluated: Month Day Year of Exit Briefing for last Evaluation through last day of quarterly CME due date before Notification Letter was sent

Evaluation Team Members:

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

Evaluation Progress Report #X Received by CalEPA: Month Day, Year

Deficiencies Pending Correction: #'s X

Incidental Findings Pending Resolution: #'s X

Evaluation Progress Report #Next Due to CalEPA: Month Day, Year

Deficiencies Pending Correction: #'s X

Incidental Findings Pending Resolution: #'s 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 the first Evaluation Progress Report 60 days from receipt of the Final Summary of Findings Report. Thereafter, the CUPA will submit each subsequent Evaluation Progress Report to CalEPA in accordance with the specified date provided in the Evaluation Progress Report response. For each identified deficiency and incidental finding, the CUPA must complete the corrective action and resolution as indicated to demonstrate sufficient implementation of the Unified Program as required by regulation or statute. The Evaluation Progress Report process will continue until all deficiencies and incidental findings have been acknowledged as corrected or resolved by each issuing Unified Program state agency.

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead via email at name@calepa.ca.gov, or uploaded to the established SharePoint website. A narrative stating the status of progress towards the correction of each deficiency and resolution of each incidental finding identified in the Final Summary of Findings Report, and any applicable supporting documentation must be included in each Evaluation Progress Report.

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CalEPA Assessment ...*continued*...

Tim Brandt, CalEPA Evaluation Team Lead

CalEPA

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

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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***.

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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 if it is just a sentence or two.

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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

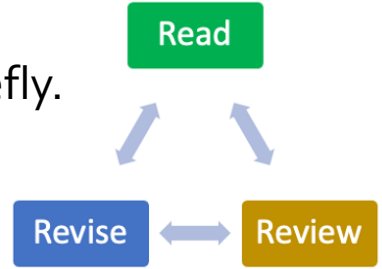
- Data accepting 15185(c-e)
  - Tip: Processing facility submittals is commonly overlooked when drafting CUPA admin procedures.
    - CalEPA guidance suggests CUPAs should take action on CERS facility submittals within 15 business days, per UP-13-02, issued January 28, 2013.
- Access to data information 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 transitioning to a new Data Management System (DMS), let the State Evaluation Team know early on in the evaluation.

The Inspection & Enforcement Plan

Title 27, Section 15200

CalEPA Team Leads and State Evaluators have answers and examples!!

- Tips:
  - Include the latest review and revision date.
  - Address sampling capabilities *and* use of a state certified laboratory for sample analysis.
    - Include: Training, Procedures and Equipment
  - Review and update graduated series of enforcement (progressive enforcement).
    - Include when, how, and why enforcement is escalated.
  - Describe how duplication, inconsistency and lack of coordination are minimized or eliminated within the inspection and enforcement program.
  - Use Section 15200 as an outline, address each topic, even if briefly.



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Permitting Procedures

Title 27 Section 15190

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

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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
    - to both, CalEPA *AND* the California Air Resources Board
  - Submit the Annual Single Fee Summary Report by September 30th of each year.
  - Submit formal enforcement actions and complete Formal Enforcement Summary Reports for any actions that have received a final judgement
  - Questions? Email cupa@calepa.ca.gov

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CUPA Self-Auditing

Title 27 Section 15280

- Tips:
  - The Self-Audit should accurately reflect actual CUPA activities for the Fiscal Year.
  - 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.
  - Include the yearly analysis of the Fee Accountability Program

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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).

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CalEPA Assessment ...*continued*...

Kaeleigh Pontif, CalEPA Evaluation Team Lead

CalEPA

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:

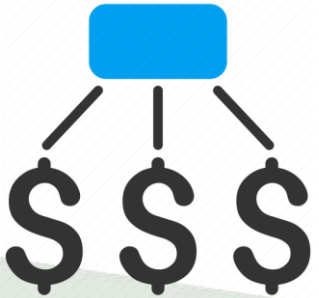
- Single Fee System
- Fee Accountability Program
- Surcharge Collection and Reimbursement Program

$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 invoices 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 and schedule, and fee collection process.



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?

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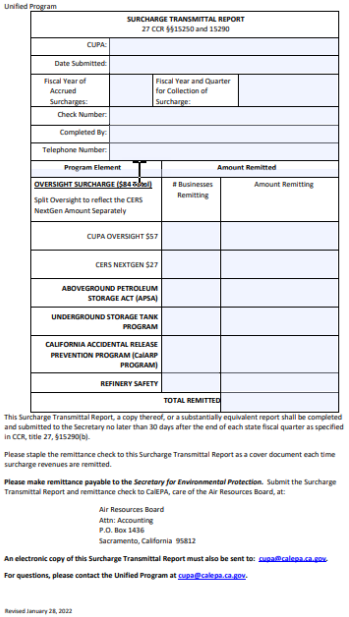
$urcharge Collection and Remittance

Title 27, Section 15250

- October 13, 2023: Oversight Surcharge increased from $84 to $94, effective July 1, 2023
  - $10 general increase to fund oversight of HMBP requirements and the CalARP Program)
- June 25, 2021: Oversight Surcharge 4-year increase from $49 to $84
  - $8 general increase for oversight of Unified Program and $27 allocation for CERS NextGen

➢ Tips:

- Surcharge fees may not be waived while a regulated business is still assessed a fee under the single fee system.
- 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.
- Clearly report the oversight and CERS NextGen surcharge amounts separately
- Be sure to indicate which FY the surcharges being remitted apply to



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) Split Oversight to reflect the CERS NextGen Amount Separately	# Businesses Remitting	Amount Remitting
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.

Revised January 28, 2022

Fee Dispute Resolution

Title 27, Section 15210(k)

•This can be a standalone procedure, addressed in a financial management document, 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 single fee *and* state surcharge disputes.
- Tip: Disputes related to the state surcharge, if not resolved locally, must be forwarded to the Secretary with *a recommendation for resolution*.

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Administrative Penalties

HSC 25404.1.1(i)

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

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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)

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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)
    - Address how CME information from PA(s) will be reported to CERS in the Data Management Procedure
  - When applicable, ensure a Formal Enforcement Summary is provided to CalEPA for enforcement taken by the PA
    - Title 27, Section 15290(a)(5)
  - Is there a PA agreement approved by the Secretary?
    - Title 27, Section 15300
    - Does current implementation reflect a PA agreement approved by the Secretary?

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)

CALIFORNIA CUPA FORUM

Contact Information

CalEPA Unified Program: CUPA@calepa.ca.gov

CERS Help: CERS@calepa.ca.gov

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Kaeleigh Pontif (Team Lead Evaluator)
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(916) 803-0623

Jess Snow (Team Lead Evaluator)
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(916) 460-2394

Any Questions?

Please stop by the CalEPA Booth!

UST Program Assessment

Kaitlin Cottrell, UST Leak Prevention Unit

26th California Unified Program Annual Training Conference
February 26-29, 2024

UST Evaluation Updates

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

Supplemental Questionnaire

Single-Walled and Abandoned USTs:

1. How many single-walled UST systems are currently within the jurisdiction of the CUPA?
   a. What is the strategy for ensuring all single-walled UST systems are removed before the December 31, 2025 deadline?
2. What is the enforcement process if a single-walled UST has not been removed by the December 31, 2025 closure deadline?
3. How many abandoned USTs are within the jurisdiction of the CUPA?
4. How are abandoned USTs being inspected and tracked?

CERS NextGen – UST Portion

- Abandoned Tanks
- Facility vs. Tank Profiles
- CERS Data Cleanup initiatives

CUPA Evaluation Guidance Documents

- Supplemental Questionnaire
- CERS Quality Assurance List
- UST Permit to Operate Template
- … and more!

Facility File Selection

- Randomly selected
  - CERS UST Facility/Tank Data Download
- Single-walled USTs
- Government Owned Tanks
- UST Construction/Design

UST Facility Files Requested

	Number of Files Requested	
Number of UST Facilities	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 TCR 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, including sites that reported a UST submittal or had a reported UST inspection, 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.

UST Consolidated Facility/Tank Data Download For US EPA
This report is a subset of the CERS UST Facility/Tank Data Download report. It generates an Excel file formatted for US EPA.

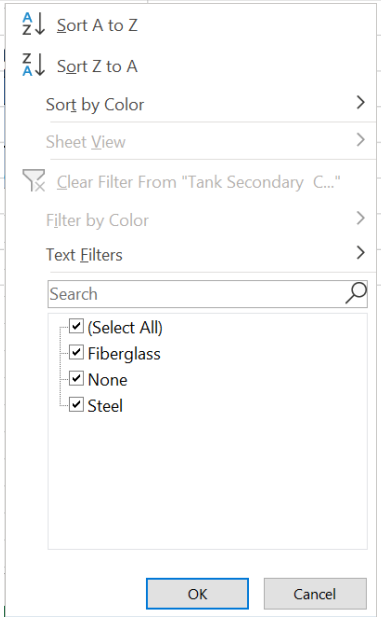
CERS Reports

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	



CERS REPORTS

UST CME Data Download

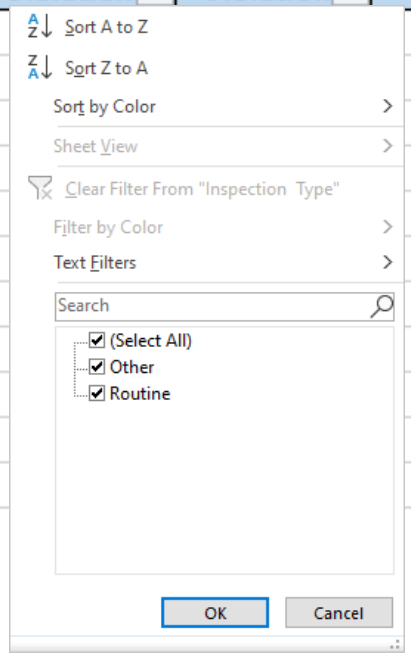
- Return to compliance (RTC)
- Violation type number(s)
- Routine inspections conducted
- Compare to Report 6 for Technical Compliance Rate (TCR) and Red Tag enforcement

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



Report 6

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

	FY			
Status/ Activity (over / *under* target / matching)	**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
- Follow-up with testing documents

File Review

- I&E Plan
- Data Management Procedures
- Self-Audit reports
- Local Ordinance
- Staff ICC records
- Permit Procedures
- UST Operating Permit
- Inspection reports
- Test reports
- Closure Procedures
  - 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 <u>any</u> unauthorized release
    - Notify <u>within</u> 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

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

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

- Continue improving the UST evaluation program
- Focus on enforcement
- Provide support for all CUPA UST programs
- CERS Data Discrepancy Training
  - CERS Data Cleanup
- Provide a positive, constructive, and beneficial evaluation experience

Contact Information

UST Evaluation Team:

- Magnolia Busse
- Kaitlin Cottrell
- Michelle Suh

- Tom Henderson

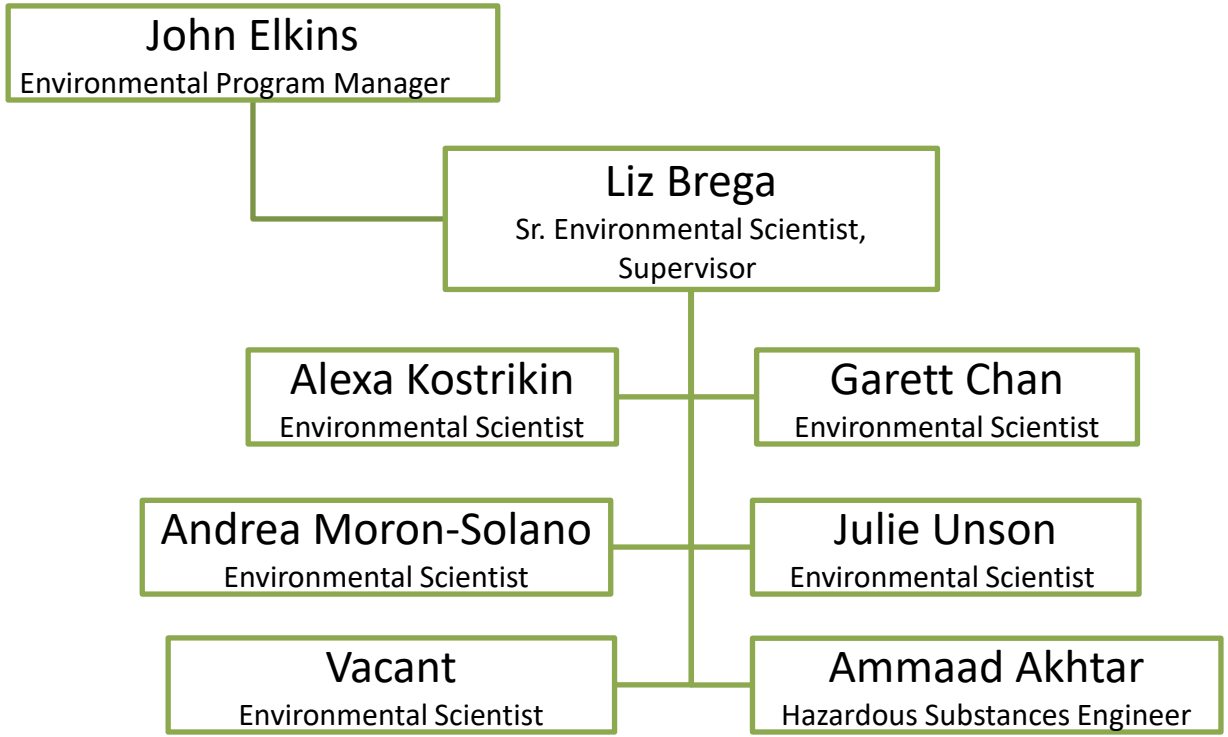
Hazardous Materials Business Plan and California Accidental Release Prevention Program Assessment

Garett Chan, Environmental Scientist, HMBP/CalARP Unit

CalEPA

26th California Unified Program Annual Training Conference
February 26-29, 2024

HMBP/CalARP Unit Overview



Introduction and Overview

Presentation Information
Introduction
HMBP Evaluation Process • Including Area Plan Review
CalARP Evaluation Process
CERS Data Evaluation Overview
HMBP/CalARP Unit Contacts and Website

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, Articles 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

- Health and Safety Code, Division 20, Chapter 6.95, Article 1, Sections 25500 – 25519
- California Code of Regulations, Title 19, Division 2, Chapter 4, Articles 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, or more frequently if established under local ordinance or the I&E Plan.

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 (RTC)
- Notes

HMBP Oversight Inspections

- 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
  - CCR, Title 19, Sections 2640 and 2642-2648

CalARP Evaluation Process

- 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 the 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 I&E Plan.

CalARP Performance Audit

- Ensure the CUPA conducts an annual self-audit of the activities to implement the CalARP Program
  - CCR, Title 19, Section 2780.5 (b)
- Conduct a completeness review of the performance audit
  - CCR, Title 19, Section 2780.5 (b)

CalARP Dispute Resolution Procedures

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

Risk Management Plan (RMP)

- Ensure each stationary source has updated the RMP every 5 years
  - CCR, Title 19, Sections 2745.10(a)(1) and (b)(1)

Review of Facility Files - CalARP Inspections

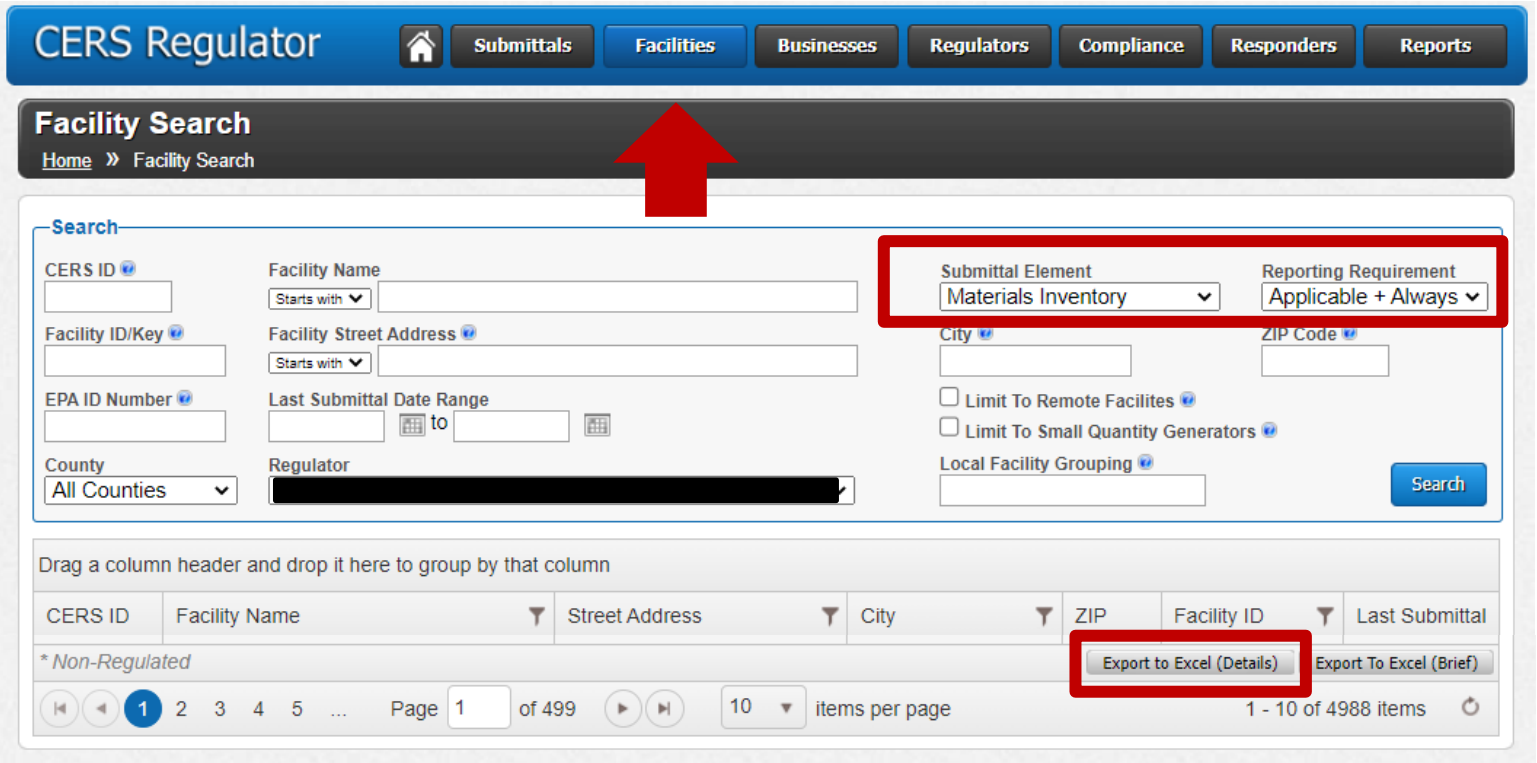
Inspection Report Review:

- Citations
- Violations
- Return to Compliance (RTC)
- Notes

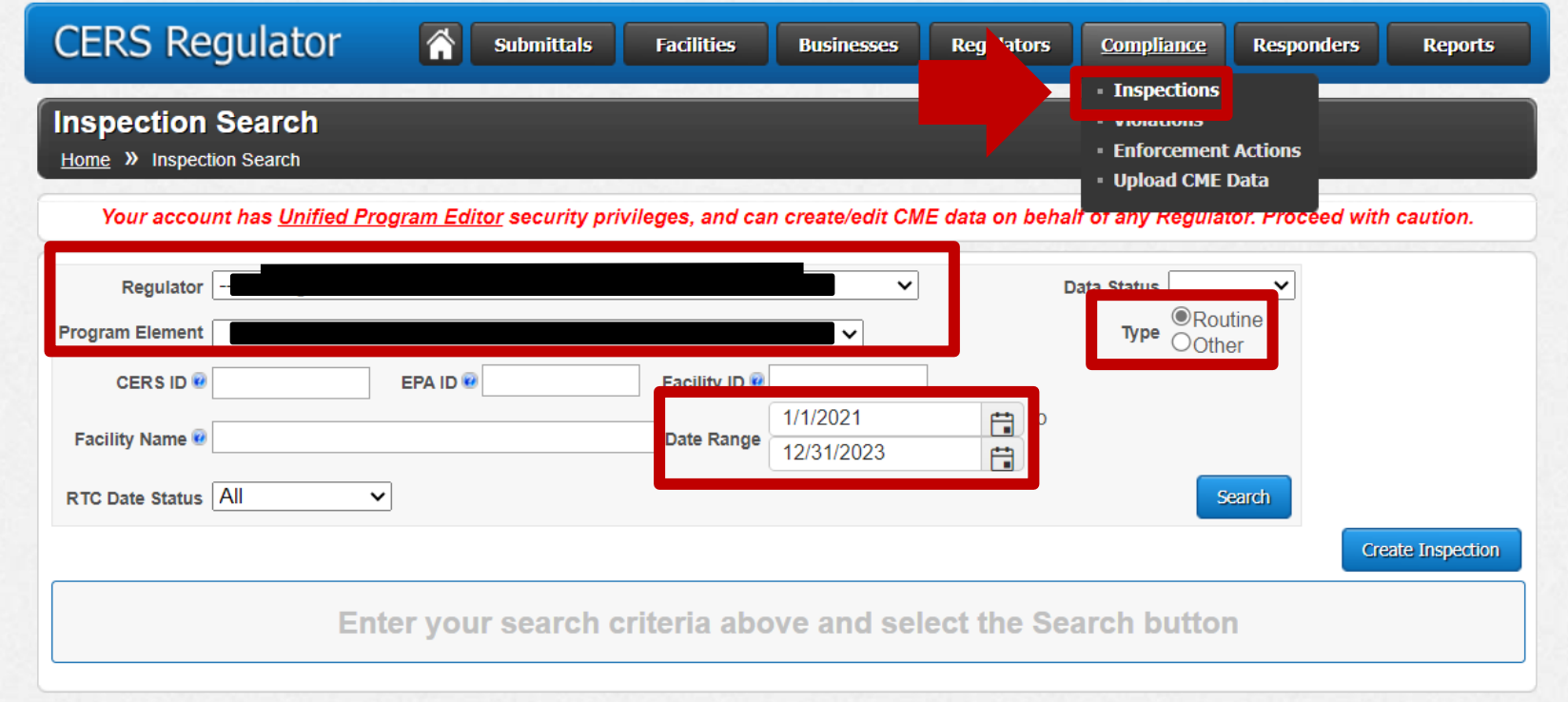
CalARP Oversight Inspections

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

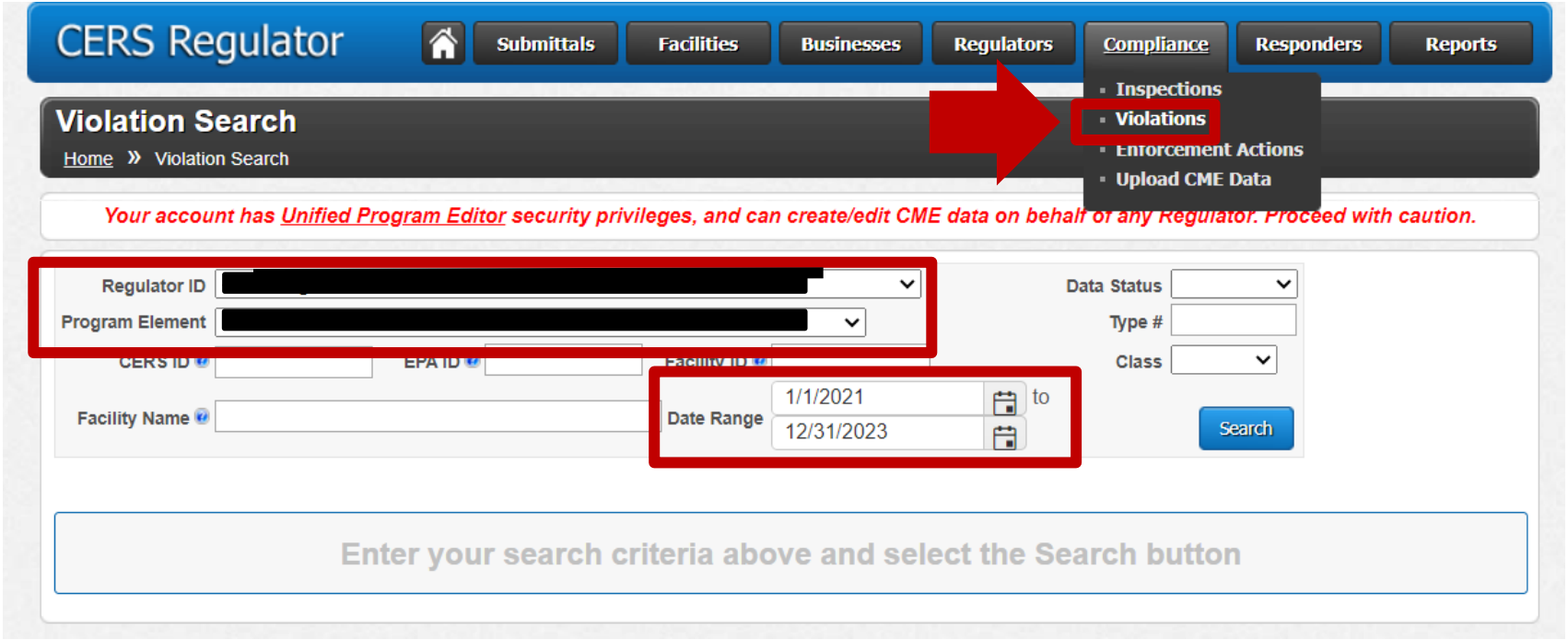
CERS Data Review – Facilities



CERS Data Review - Inspections



CERS Data Review - Violations



HMBP/CalARP Information

Visit the HMBP and CalARP webpages for more information:

HMBP Program Website

HMBP Program Listserv

CalARP Program Website

CalARP Program Listserv

26th California Unified Program Annual Training Conference
February 26-29, 2024

Contact Information

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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Hazardous Waste Generator (HWG) Program Assessment

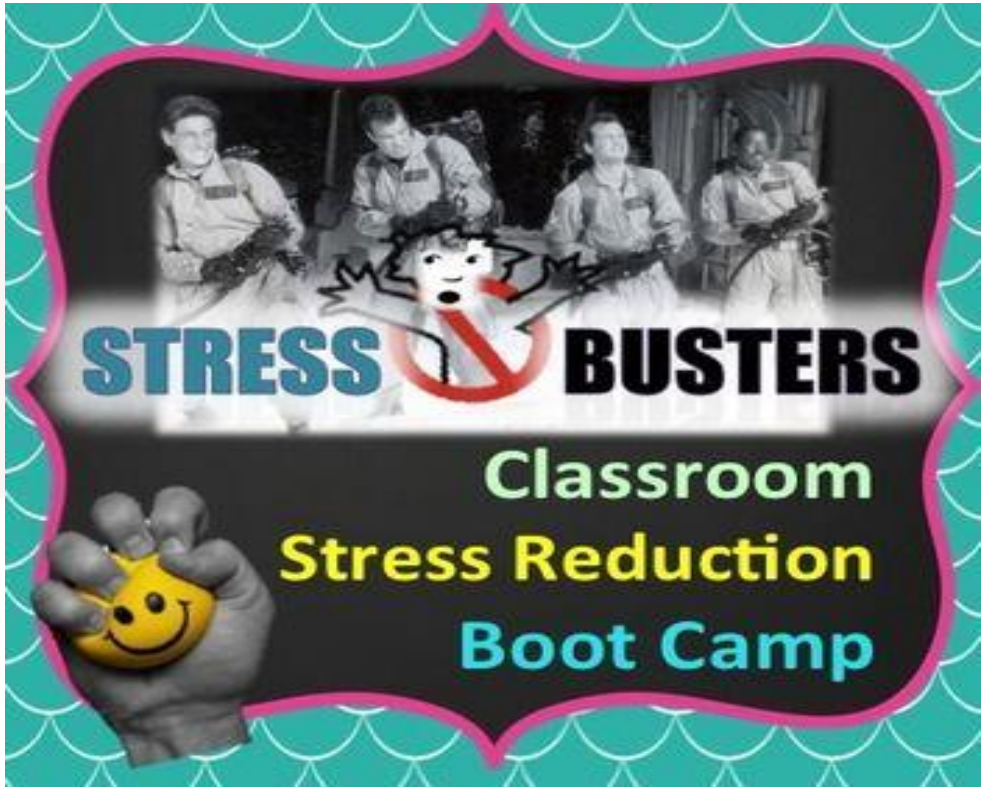
Brennan Ko-Madden, Environmental Scientist, DTSC

Department of Toxic Substances Control

26th California Unified Program Annual Training Conference
February 26-29, 2024

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



CALIFORNIA CUPA FORUM

Purpose of CUPA Evaluations for DTSC

- Functional Inspection and Enforcement programs
  - Inspection Fundamentals
  - Tools / Training
- Consistency across the State
- EPA authorization
- Provide support for frontline agencies

CALIFORNIA CUPA FORUM

impact
evaluation
tracking
plan
value
measures
planning
outcomes

DTSC Pre-Evaluation Process

- Focus on refamiliarizing ourselves with the CUPA
  - Previous evaluations
    - Self-Audits
    - FSOF
    - Progress Reports
  - CERS data check
  - Check HWTS and Complaints

DTSC Evaluation Process

What do we look for?

- CUPA submitted data and files
  - Self-Audits, inspection reports, I&E Plan, etc.
  - Facility lists from Accela, DHD, Envision, etc.
- CERS CME data
  - Inspections, violations, enforcement, facility & tiered permit submittals

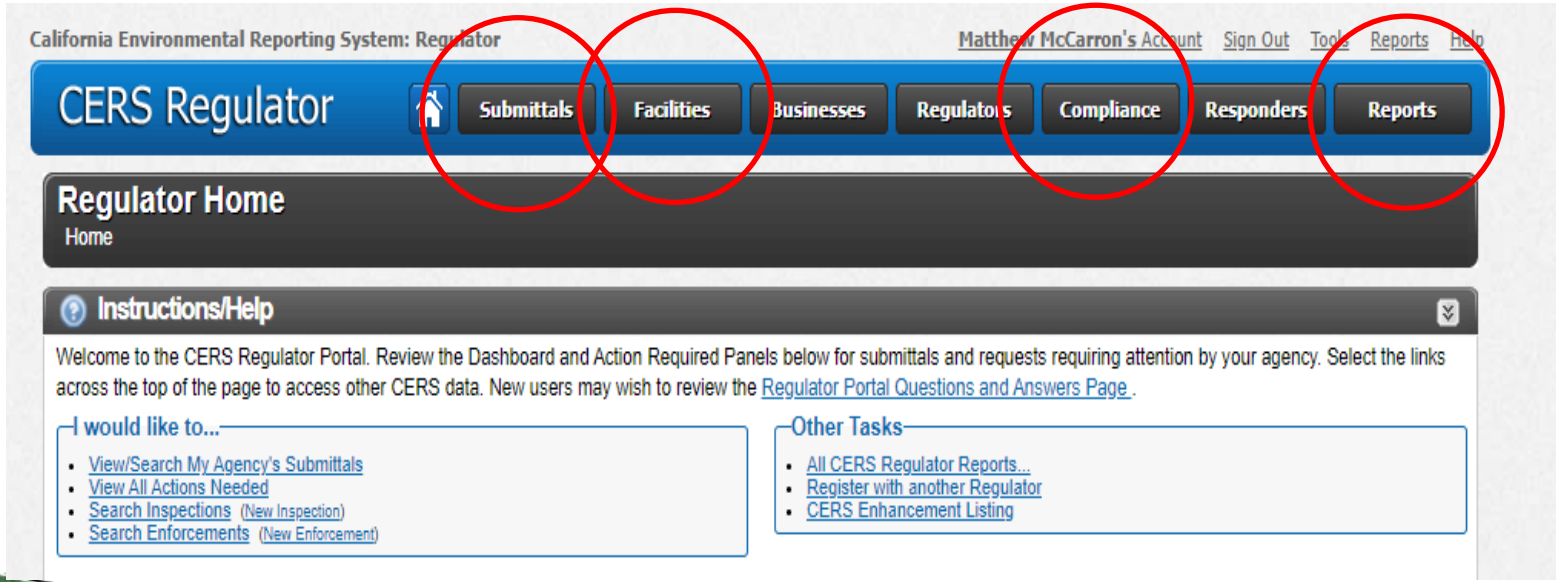
Oversight inspections with CUPA

DTSC Evaluation Process

What to Expect for an Oversight Inspection

- Two facilities / inspections
  - Tiered Permit / RCRA LQG and any other generator type
- Two different CUPA inspectors

DTSC Evaluation Process-CERS extracts



DTSC Evaluation Process-CERS extracts

- Compliance:
  - Violations, Inspections & Enforcement
- Facilities:
  - Used to see the total number of HWG reporting to CERS.
- Submittals:
  - Used for reviewing TP submittals
- Reports:
  - All HW CME reports; "Super Reports"

Submittals Tab

Default is wrong!
Change to
"All Statuses"

Search Submittals

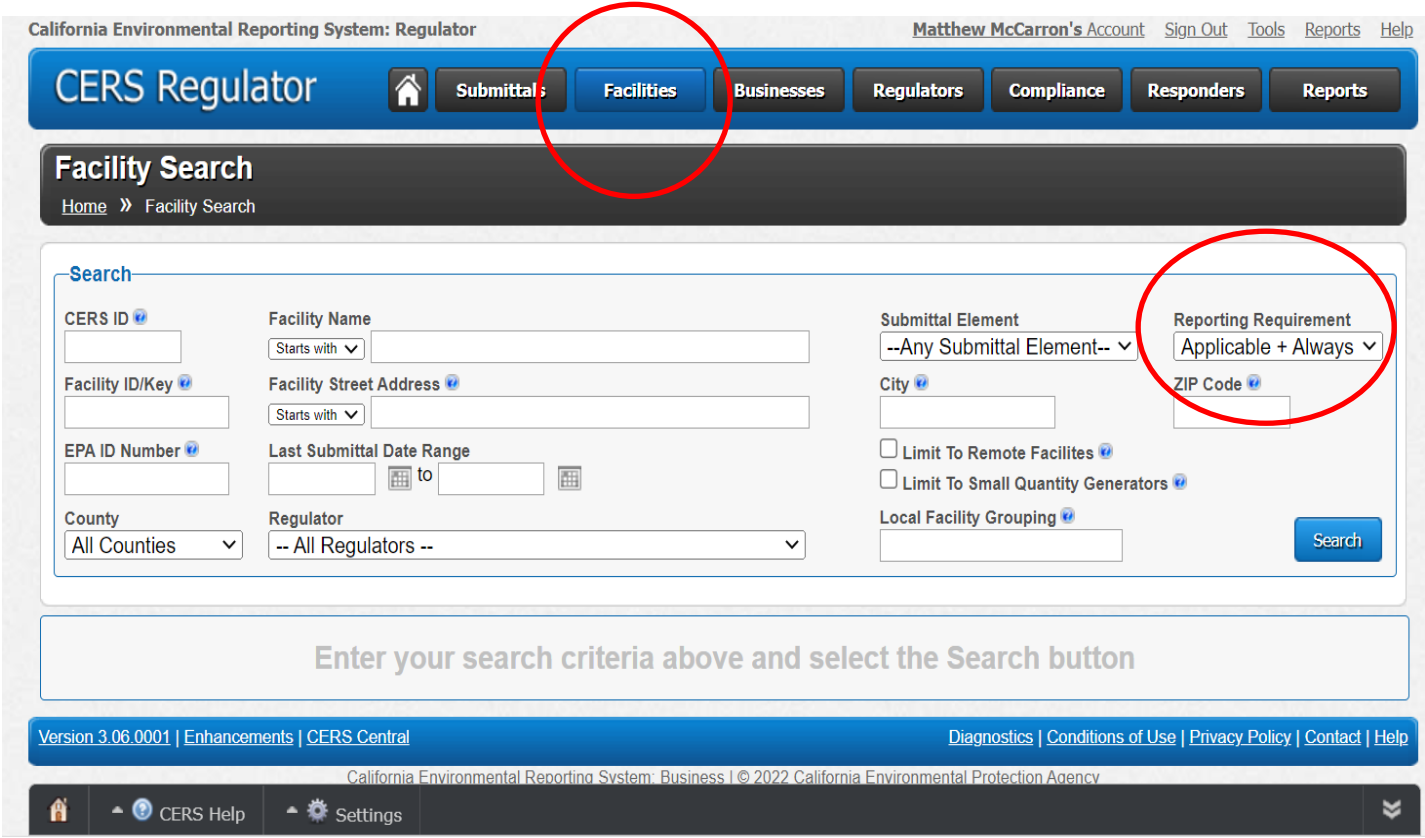
Regulator: Alameda County Environmental Health
Status: Submitted + Under Review
CERS ID:
Facility Name: Starts with
Facility ID/Key:
City:
ZIP Code:
Element: --All Submittal Elements--
Submittal Date From: To:
Search | Clear

*Note: Submittal data is current as of 2/15/2024 at 4:23 PM. Use the Submittal Processing page to view more recent submittals.

CERSID	Address	Submitted	Facility	Inventory	Plans	UST	TP	RMR	Remote	Tank	APSA
10188847	DUBLIN CHEVROLET CADILLAC 4200 JOHN MONEGO CT DUBLIN, 94568	8/9/2019 9:34AM	Accepted 8/16/2019	Accepted 8/16/2019	Accepted 8/16/2019						Under Review 8/16/2019
10479766	Fruitvale Mobil 3070 Fruitvale Ave Oakland, 94602	12/24/2019 2:26PM	Accepted 1/2/2020	Accepted 1/2/2020	Accepted 1/2/2020	Under Review 1/2/2020					
10417969	ARCO 07026 566 Hegenberger Rd Oakland, 94621	12/30/2019 3:25PM	Accepted 1/3/2020			Under Review 1/3/2020					
10000879	DOT Caltrans D4 Maint - Caldecott Tunnel West 420 Caldecott Ln Oakland, 94618	3/17/2020 12:40PM	Accepted 5/18/2020	Accepted 5/18/2020	Accepted 5/18/2020						Under Review 5/18/2020
10619548	Mobile Fleetcare 70 Hegenberger Loop Oakland, 94621	5/6/2020 2:03PM	Accepted 5/26/2020	Accepted 5/26/2020	Accepted 5/26/2020						Under Review 5/26/2020

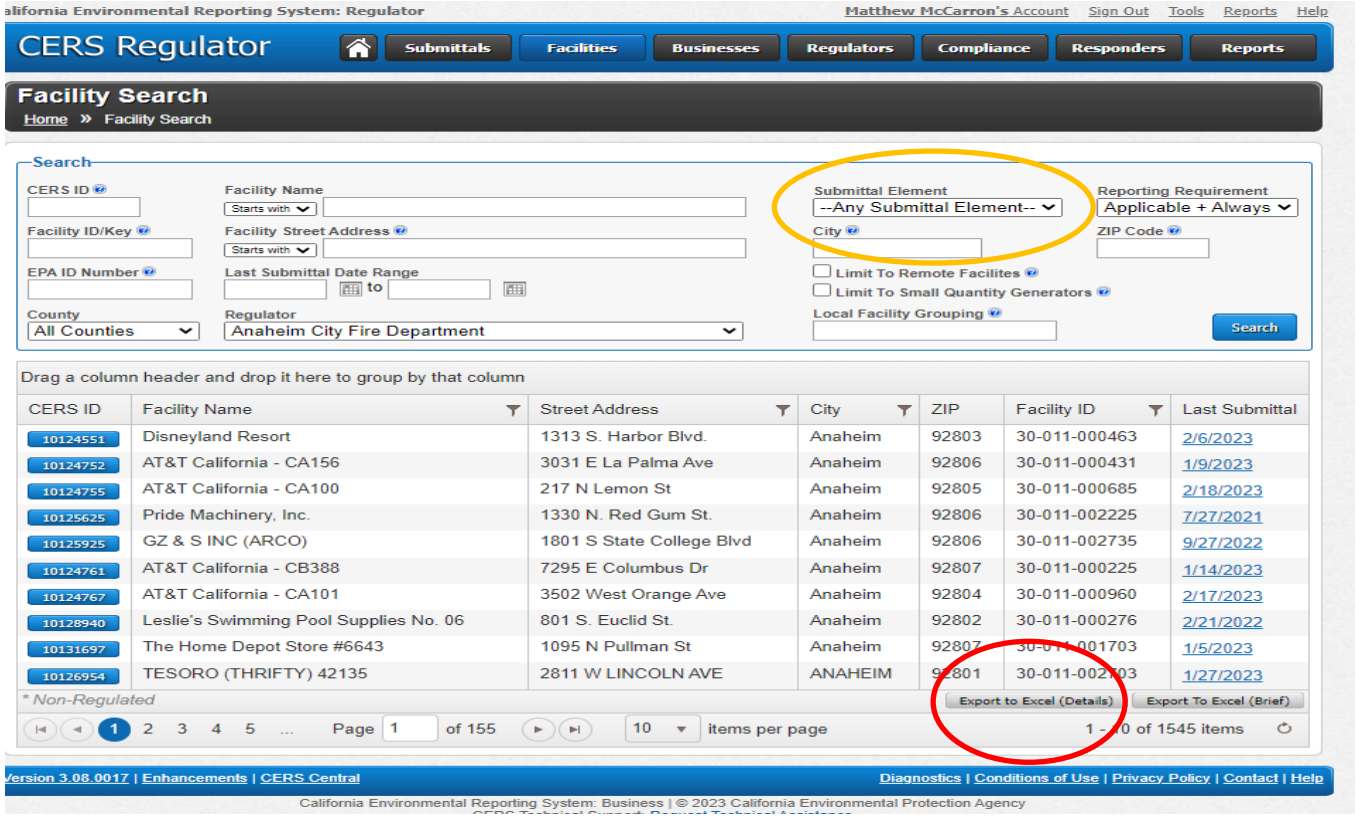
Facilities Search

- Facilities with HW
- Facilities with Treatment



Facilities Search

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

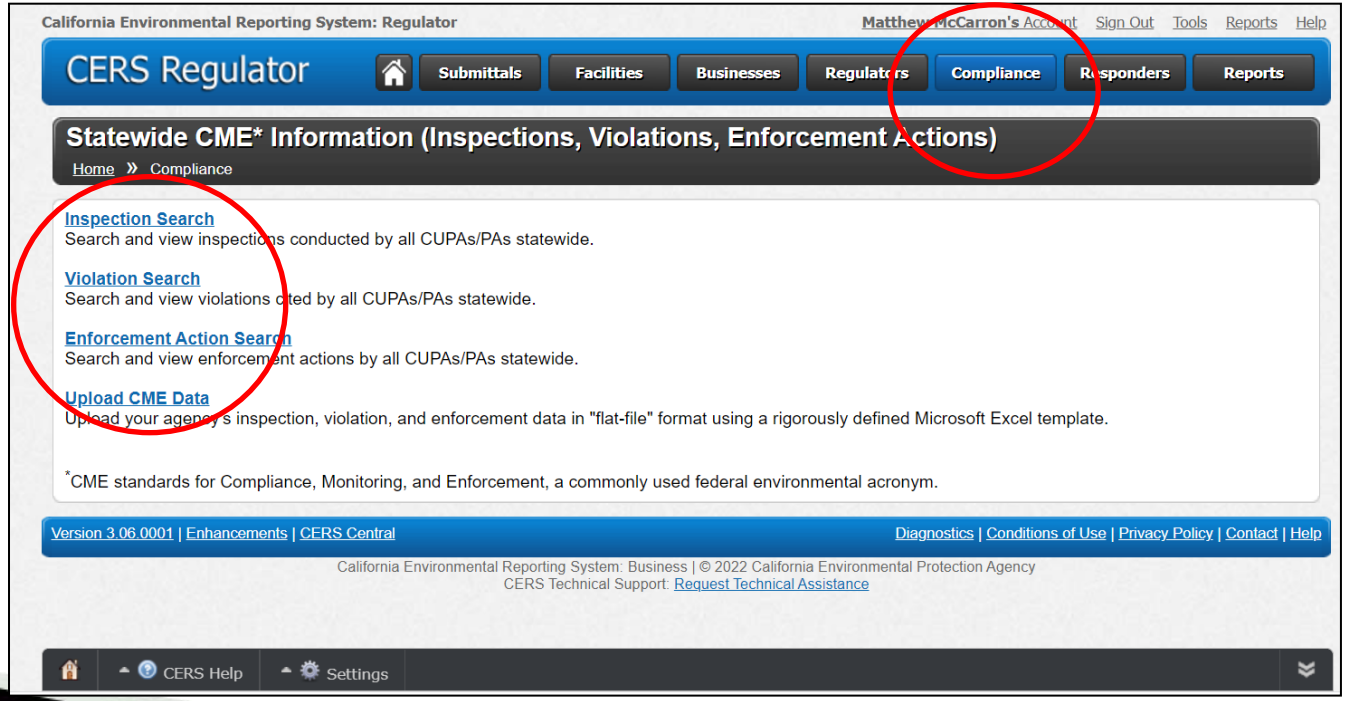


Compliance Tab

Excel Extracts for:

- ✓ Inspections
- ✓ Violations
- ✓ Enforcement

- Sort for Evaluation timeframe

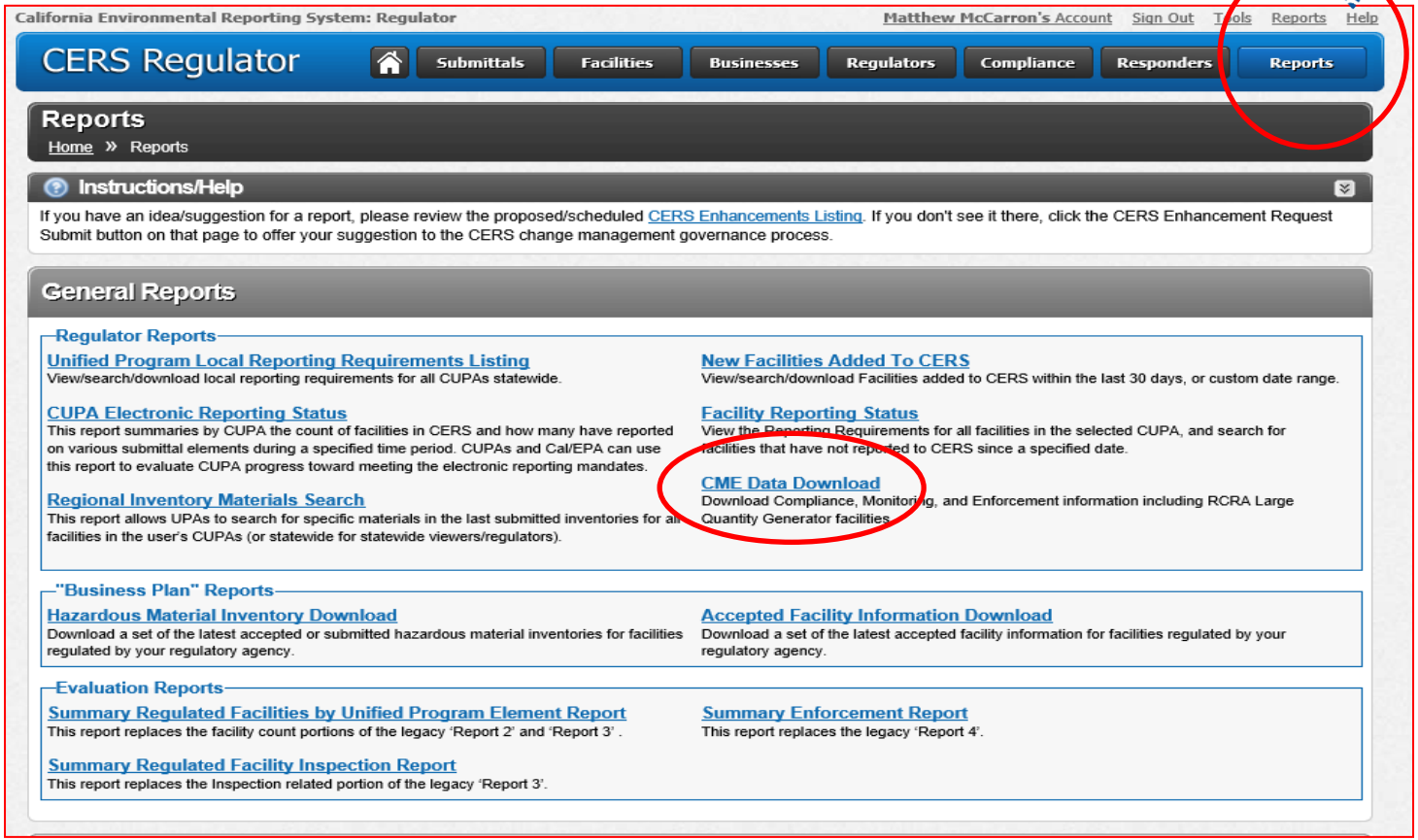


CERS CME Data Extracts

Take downloads of all HWG listings:

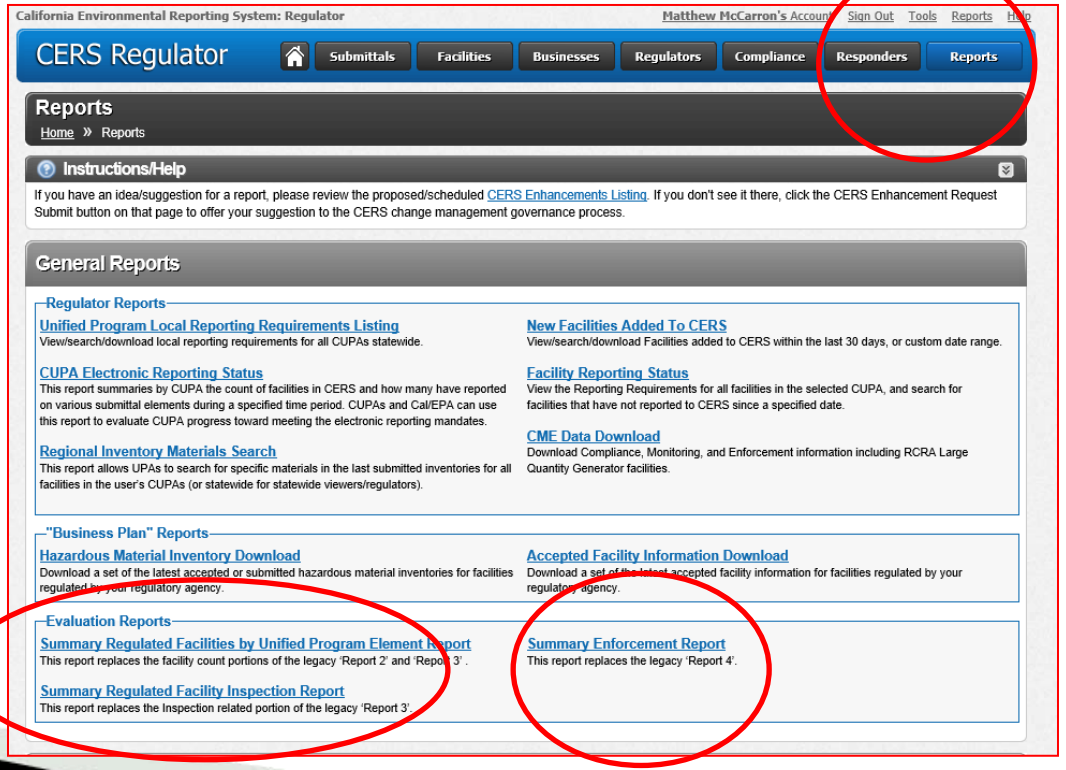
-HWG
-RCRA LQG
-Recycler
-PBR
-CA
-CE
-HHW

***Only the program and date range are needed!**



CERS-Other helpful reports

- Summary Regulated Facilities by Unified Program Element Report
- Summary Regulated Facility Inspection Report
- Summary Enforcement Report



What do we find?

DTSC Evaluation Process

- Outstandings/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

CALIFORNIA CUPA FORUM

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!

CALIFORNIA CUPA FORUM

Emerging issues:

- Repeated deficiencies
- Open violations from Previous evaluations
- CME Data Accuracy
- Evidence documentation
- Inspection Reports

For information and tips to avoid deficiencies, reference the:

Appendix of Common HWG Program Evaluation Findings

- Accomplishments and Challenges
- Most Common 10 Deficiencies
- Observation of overall HWG Program Implementation

Contact Information

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Julie Pettijohn (Branch Chief): 510-516-5894 julie.pettijohn@dtsc.ca.gov

Maria Soria (Division Chief): 510-540-3883 maria.soria@dtsc.ca.gov

CALIFORNIA CUPA FORUM

APSA & HMMP-HMIS Programs Assessment

Denise Villanueva, Evaluator
CAL FIRE – Office of the State Fire Marshal

26th California Unified Program Annual Training Conference
February 26-29, 2024

OSFM Assessment Overview

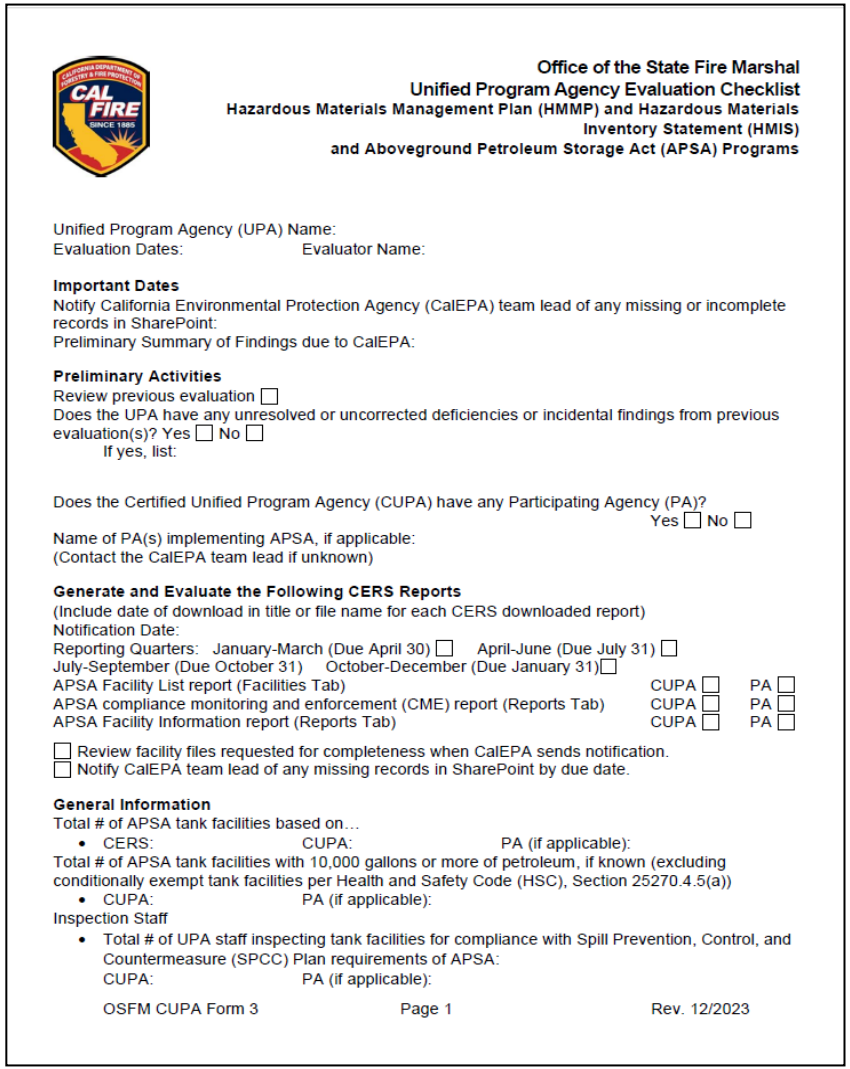
- Assessment ***starts*** at the Notification Letter date
  - APSA inspections are reviewed relative to this date
  - HMBP submittals (in lieu of tank facility statements) are reviewed relative to the Notification Letter date
  - Open APSA violations (no RTC) – are reviewed for the prior three years

OSFM Assessment Overview

- When the assessment **ends** varies

- 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 and resolution efforts tracked through Progress Report cycle

OSFM Assessment Overview



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)
Notification Date:
Reporting Quarters: January-March (Due April 30) ☐ April-June (Due July 31) ☐
July-September (Due October 31) October-December (Due January 31) ☐
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):

OSFM CUPA Form 3 Page 1 Rev. 12/2023

OSFM Assessment Overview

- Are all inspectors APSA trained and certified? Yes ☐ No ☐
  - 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 HBMP 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:

***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 ☐

OSFM Assessment Overview

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 ☐

Notes, Comments, and Observations:

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

OSFM Assessment Overview

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 ☐

***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 ☐
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 ☐

OSFM Assessment Overview

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?

- 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 ☐

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 ☐

Outdated or incorrect HMMP/HMIS program information, including templates? Yes ☐ No ☐

If applicable, HMMP/HMIS program links valid? Yes ☐ No ☐

OSFM Assessment Overview

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 reporting cycles, including number of tank facilities cited for "No SPCC Plan" violations without documented RTC.

- Dates (generally a 12 mo. period) - / (%), including tank facilities cited for "No SPCC Plan"
- Dates (generally a 12 mo. period) - / (%), including tank facilities cited for "No SPCC Plan"
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- Dates (generally a 12 mo. period) - / (%), including tank facilities cited for "No SPCC Plan"

OSFM Assessment Overview

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 ☐

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/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency

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
    - HSC, Section 25270.5(a)
  - Alternative APSA inspection frequency as identified in CUPA's Inspection and Enforcement (I&E) Plan
    - HSC, Section 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 <u>10,000 gallons or more of petroleum</u> at least once every 3 years, per HSC, Section 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, Section 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, DHD, 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.

Example Inspection Deficiency

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

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.

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, Section 25270.5(a) or (b)

Example of Untrained Inspector 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)

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

...continued...

Mary Wren-Wilson, Evaluator
CAL FIRE – Office of the State Fire Marshal

26th California Unified Program Annual Training Conference
February 26-29, 2024

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]

Facility File Review: APSA CME

- 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 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

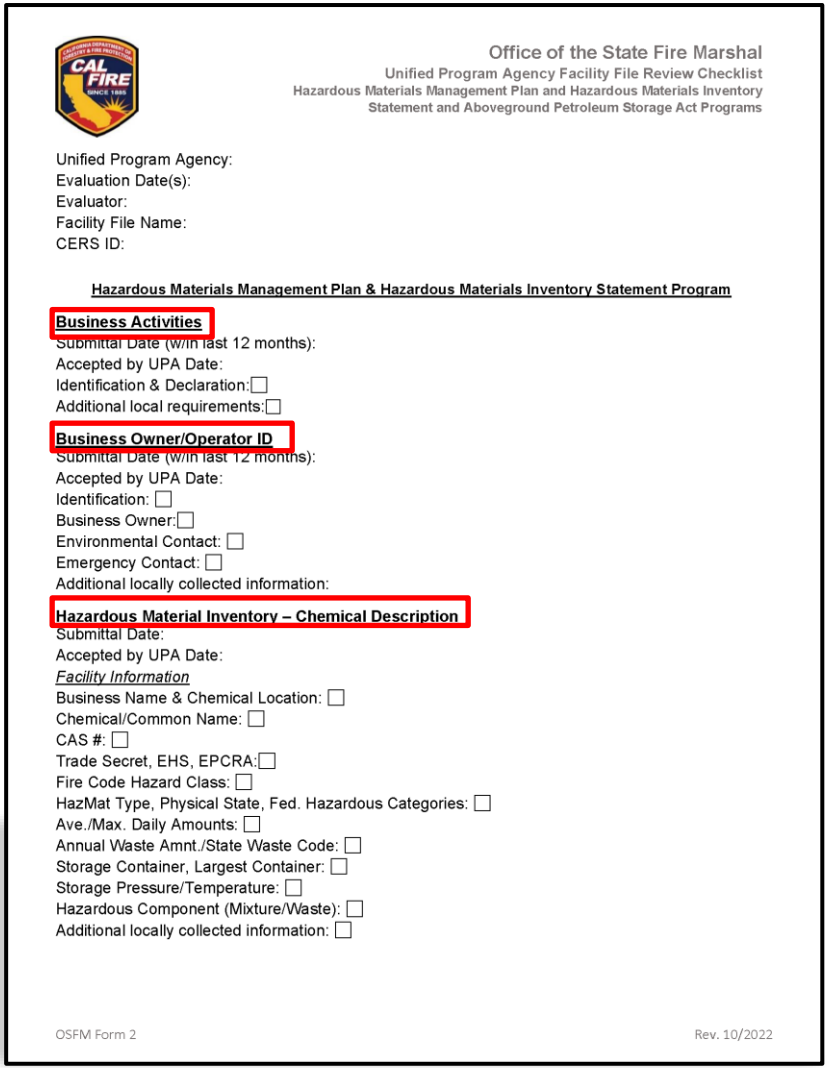
Facility Files: What's in CERS?

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

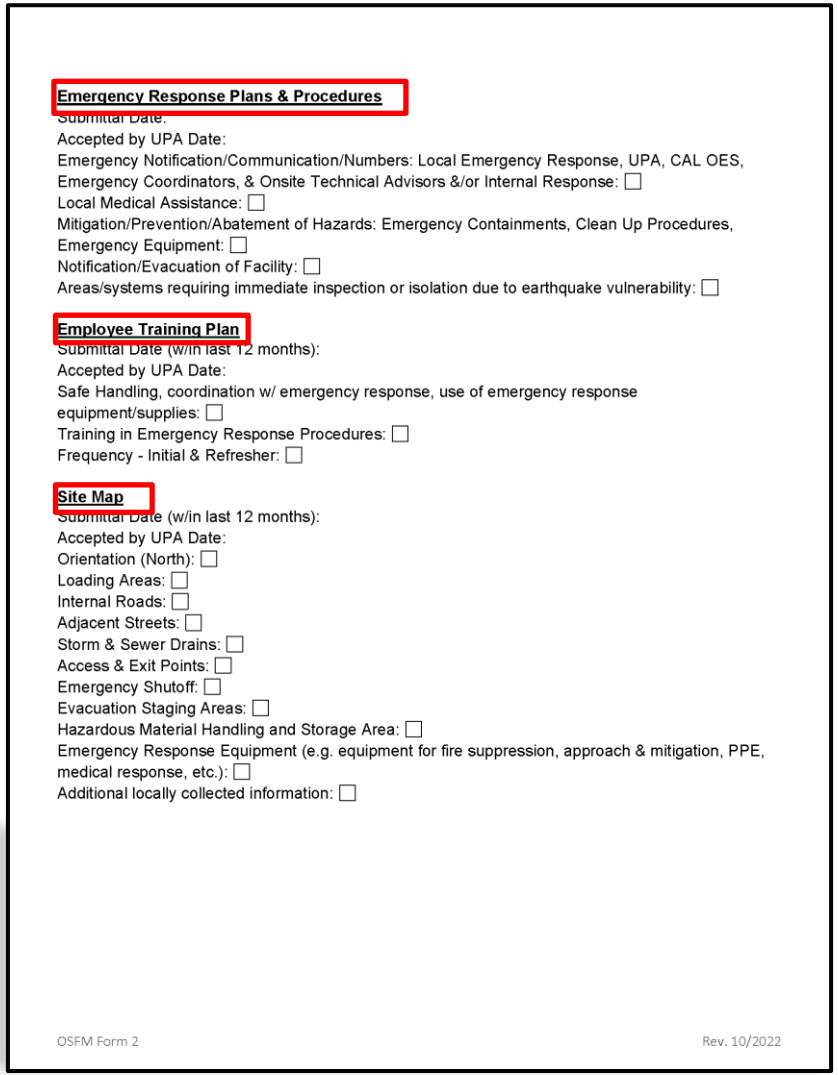
Business Activities
Submittal Date (w/in last 12 months):
Accepted by UPA Date:
Identification & Declaration: ☐
Additional local requirements: ☐

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: ☐

OSFM Form 2 Rev. 10/2022

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: ☐

OSFM Form 2 Rev. 10/2022

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 ☐

OSFM Form 2 Rev. 10/2022

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/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency

CUPA Evaluations

California law requires the Secretary of CalEPA to periodically review the ability of each CUPA to carry out the requirements of the Unified Program. The goal is to assess whether the CUPA is effectively implementing all of the program elements and is continually improving to meet the intent of the law: coordination, consolidation, and consistency of all Unified Program elements. CalEPA assesses each CUPA triennially in coordination with three other state organizations with Unified Program responsibilities. The standards for the CUPA evaluation process are described in Title 27 of the California Code of Regulations and expanded in a variety of guidance documents. The CUPA evaluation schedule is found on the CalEPA website. CAL FIRE-OSFM participates in the CUPA evaluation process to ensure each CUPA is implementing the California Fire Code HMMP/HMIS and APSA programs for all regulated facilities within their jurisdiction as specified in state laws and regulations.

The following forms are utilized by the OSFM staff during the CUPA evaluation process.

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

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 an HMBP when an HMBP is provided to CERS in lieu of a tank facility statement.

HMBPs submitted to CERS between [date] and [date] by APSA tank facilities, in lieu of tank facility statements, finds:

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

- 32 of 127 (25%) tank facilities have not annually submitted a chemical inventory and site map, including 7 tank facilities that have never submitted.

- 25 of 127 (28%) tank facilities have not annually submitted emergency response and training plans, 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 each HMBP is annually submitted to CERS, when an HMBP is provided 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 narrative of the implementation of the action plan, including any applied enforcement.

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

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

Example of Incomplete HMBP (in lieu of TFS) Incidental Finding:

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

Review of 10 HMBP submittals provided to CERS by APSA tank facilities in lieu of tank facility statements finds the following 5 (50%) were accepted with missing or incomplete applicable components:

Example of Incomplete HMBP (in lieu of TFS) Incidental Finding:

- CERS ID #
  - Chemical Inventory submitted on [date], and accepted on [date]
    - Site map is missing emergency shutoff, emergency response equipment, and evacuation staging area
- CERS ID #
  - Chemical Inventory submitted on [date], and accepted on [date]
    - Site map is missing north orientation, missing emergency shutoff and evacuation staging area
- CERS IDs #
  - Chemical Inventory submitted on [date], and accepted on [date]
    - Site map is missing evacuation staging area and emergency response equipment

Example of Incomplete HMBP (in lieu of TFS) Resolution:

By the 1st Progress Report, the CUPA will develop, implement, and provide CalEPA with an action plan to ensure each future HMBP submittal, provided in lieu of a tank facility statement, is thoroughly reviewed and contains all applicable required elements before being accepted.

The action plan will include steps to follow up with APSA tank facilities having an HMBP submittal, provided in lieu of a tank facility statement, that was reviewed and not accepted due to identified missing or incomplete components.

Example of Site Map Resolution:

By the 2nd Progress Report, the CUPA will train personnel on the steps in the action plan. The CUPA will provide CalEPA with a statement that training has been conducted.

By the 2nd Progress Report, and with each subsequent Progress Report until considered corrected, the CUPA will provide CalEPA with a narrative of the implementation of the action plan.

Example of Site Map Resolution:

By the 4th Progress Report, the CUPA will ensure each APSA tank facility has annually 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 finds there is no documented RTC for the following violations:

FY 2022/2023

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

OR

April 1, 2022, through March 30, 2023

- 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 - date] and for each APSA tank facility with open violations (no RTC) for not preparing an SPCC Plan cited between [date – date]:

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 SPCC 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 US EPA

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.

Review of facility files and CERS CME information finds the following non-minor 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 US EPA.

- FY 2017/2018 through FY 2020/2021 – 2
- FY 2021/2022 – 3

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.

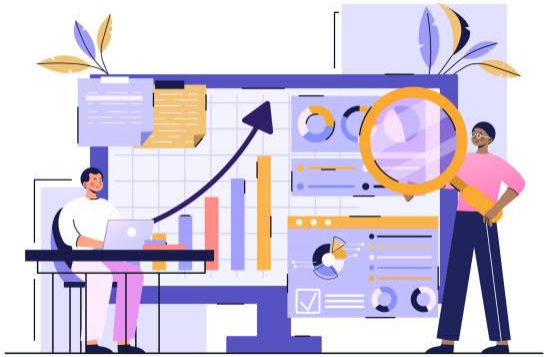
Example of Violation Misclassification Incidental Finding Resolution:

Training will also include, at minimum, review of:

- 2020 Violation Classification Guidance for Unified Program Agencies
- Review of 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 a statement that training has been conducted.



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

…continued…

Glenn Warner, Evaluator
CAL FIRE – Office of the State Fire Marshal

26th California Unified Program Annual Training Conference
February 26-29, 2024

Appendix 1 – Enclosure 1 Information Request

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)

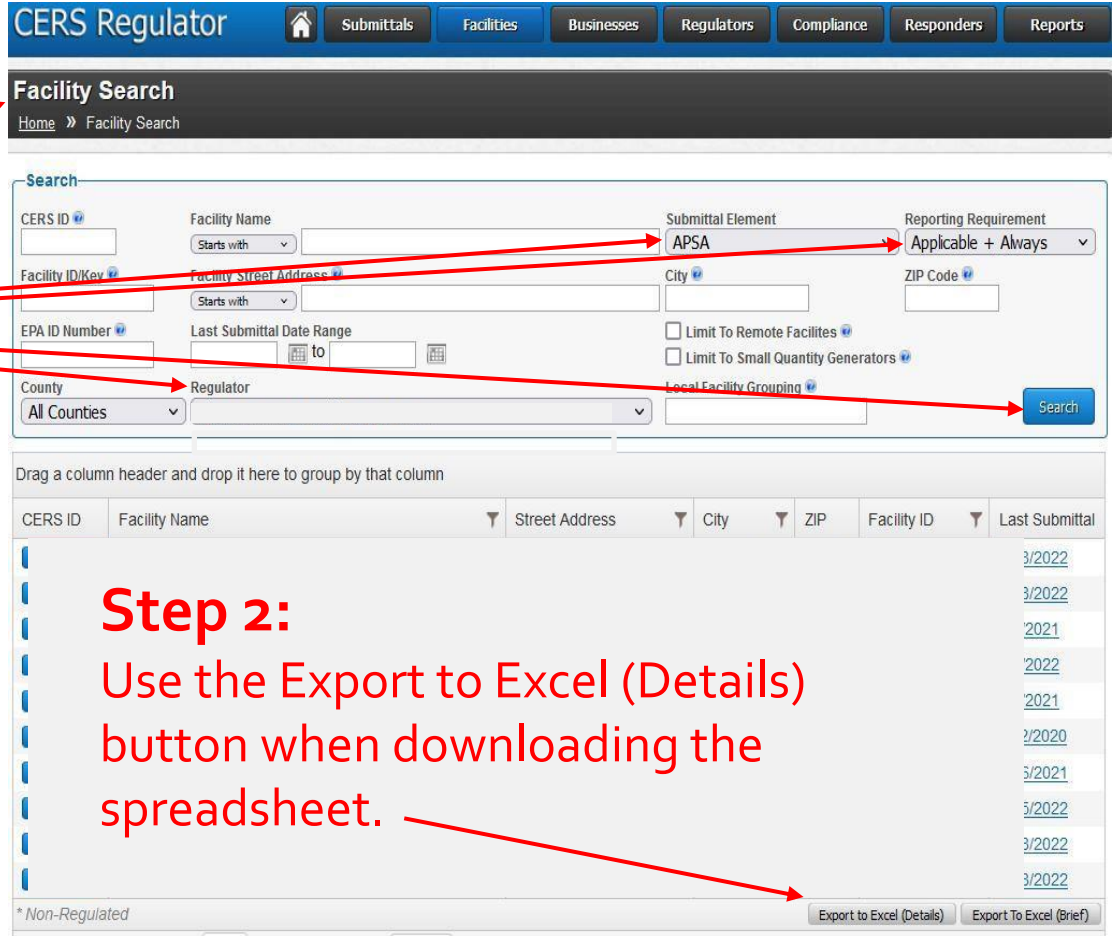
Appendix 1 – Enclosure 1 Information Request

- 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:

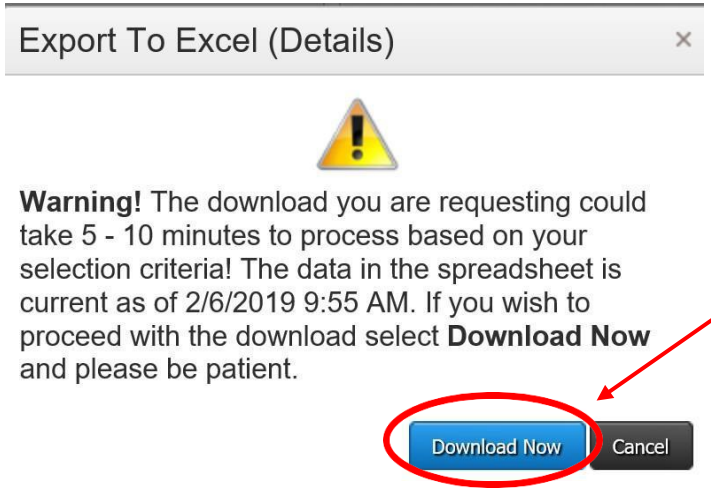
- Use Facility Search
- Select Submittal Element: APSA
- Select Reporting Requirement: Applicable + Always,
- Select your CUPA as the Regulator.
- Then press the Search button.



Step 2:

Use the Export to Excel (Details) button when downloading the spreadsheet.

Appendix 2 – Generate APSA Facility Listing Report



Step 3:

Press the Download Now button and wait.

Step 4:

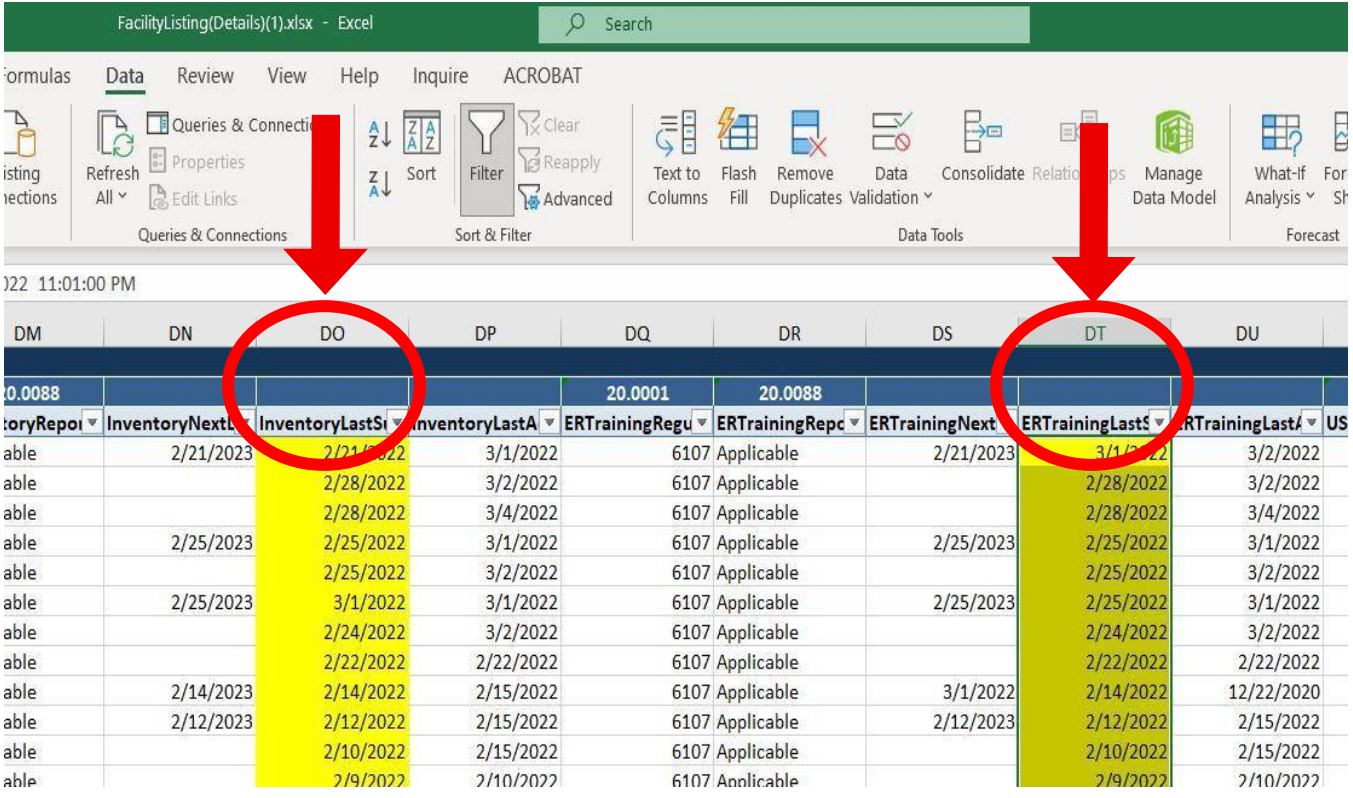
Using the Save As option, save the file to Desktop after naming the file

Last APSA Routine Inspection Date- Column FE

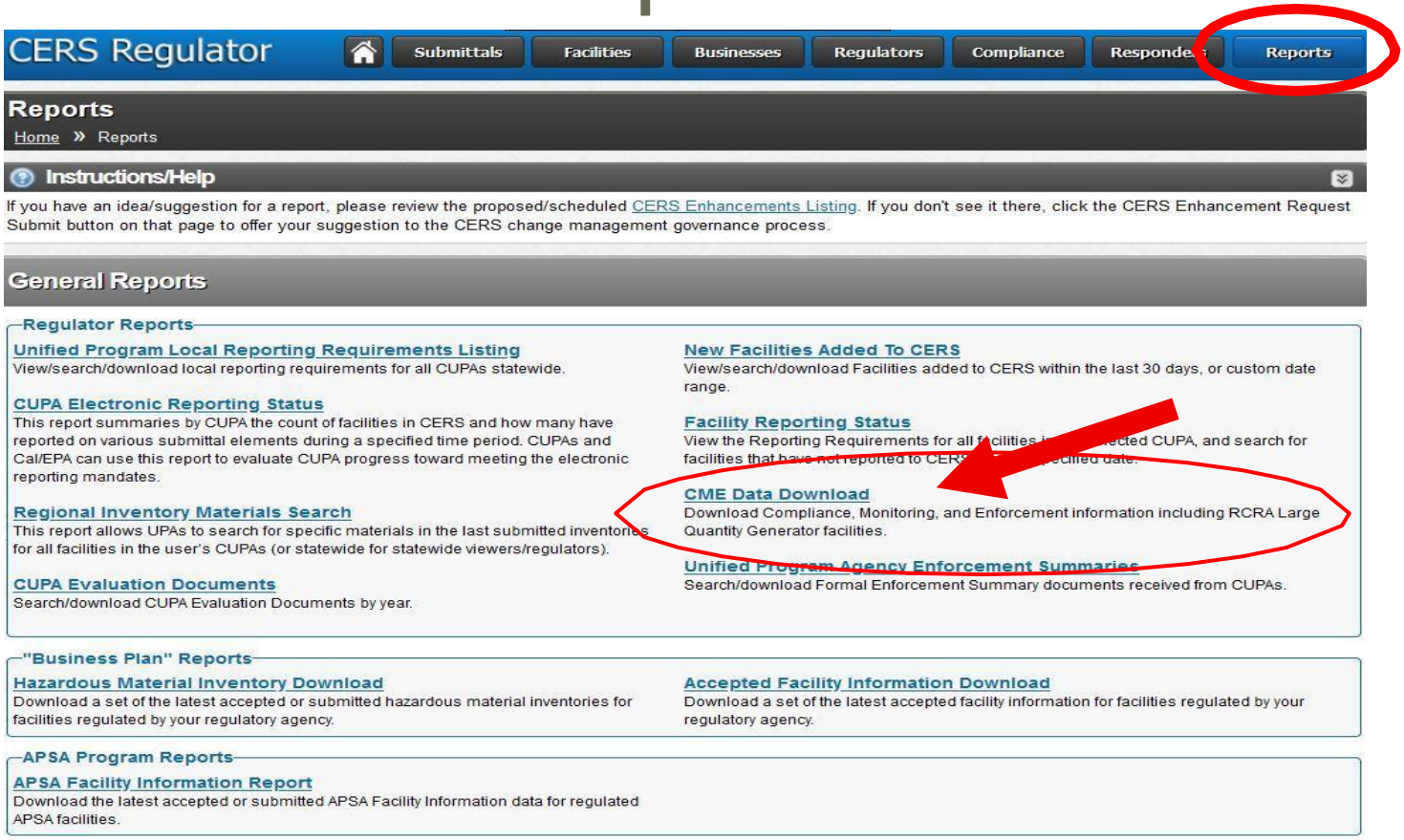
FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ
									Inspections
.0088									
Reportin	CalARPNextDue	CalARPLastSubm	CalARPLastAcce	APSARoutineInspectionDat	CalARPLastInspe	CALastInspectio	CELastInspectior	HHWLastInspect	HMRRPLas
plicable				3/2/2022					11/
plicable				3/1/2022					3/
plicable				2/23/2022					2/2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

HMBP Submittals (in lieu of TFS) –

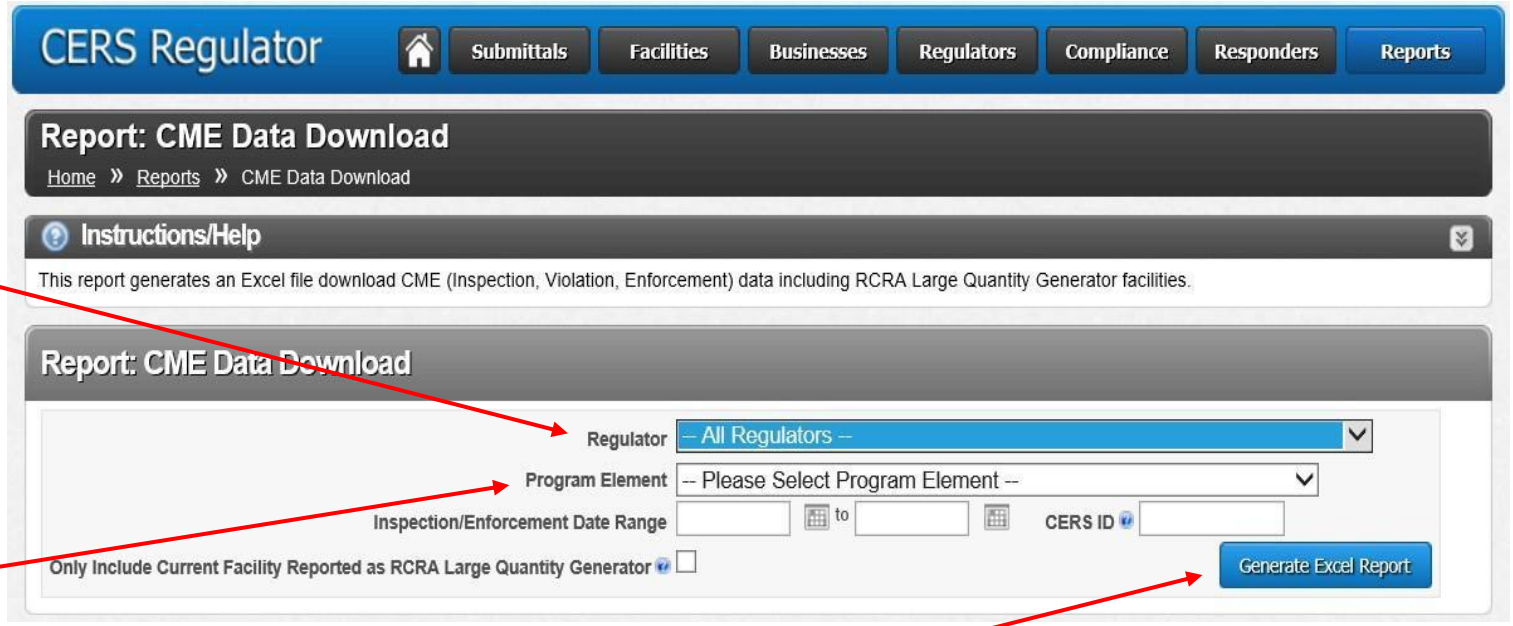
- **Column DO**: InventoryLastSubmittedDate
- **Column DT**: ERTrainingLastSubmittedDate



Appendix 3 — Generate APSA CME Report



Appendix 3 — Generate APSA CME Report



Step 1:
Select your CUPA as the Regulator

Step 2:
Select Program Element: APSA

Step 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**

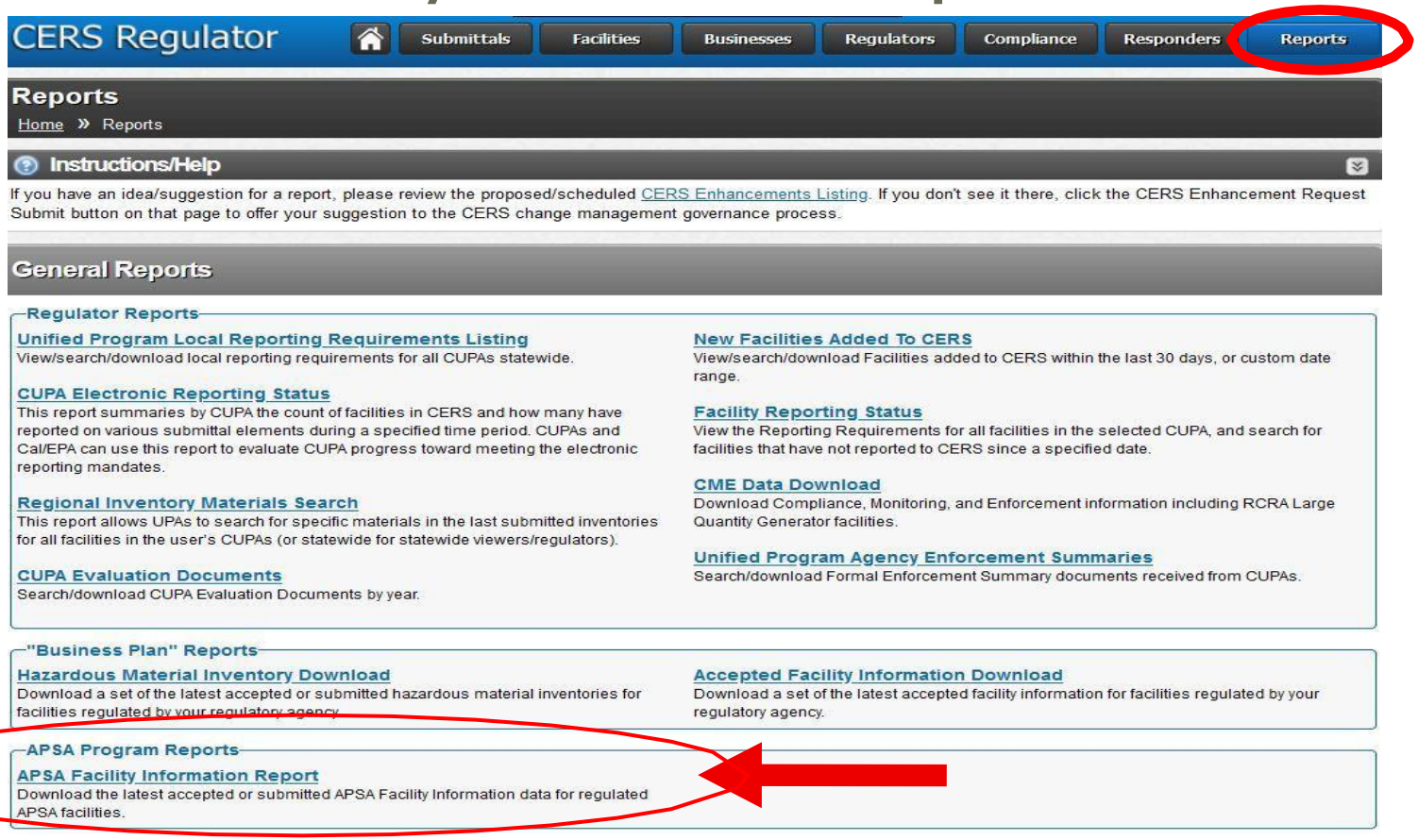
Generated Worksheets	Count of Exported Records	Routine Inspection	Other Inspection	Routine Class 1 & 2 RTC within 90 Days	Class I Violation	Class II Violation	Minor Violation
Regulated Facilities	5735						
AST Inspections	1333	396	937	13.64%			
AST Violations Details	2009				5	487	1517
AST Outstanding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

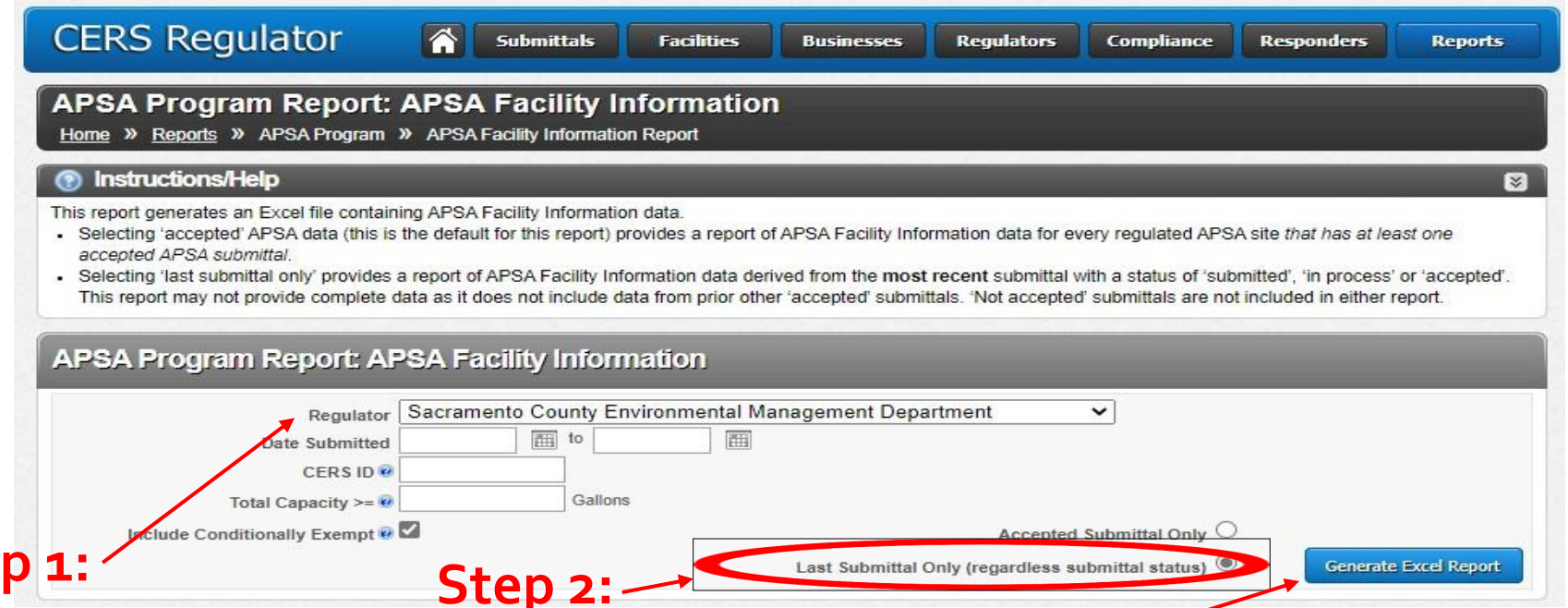
Overview | Regulated Facilities | AST Inspections | AST Violation Details | AST Outstanding Violation | AST Enforcements

Violations without RTC are listed on AST Outstanding Violation tab

Appendix 4 –
Generate APSA Facility Information Report



Appendix 4 – Generate APSA Facility Information Report



Step 1:
Select your CUPA as the Regulator

Step 2:
Select 'Last Submittal Only'

Step 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 [illegible]

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 [illegible] (UPDD) codes, visit the CUPA Data Registry at the following URL:

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

Overview | APSA Facility Info

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

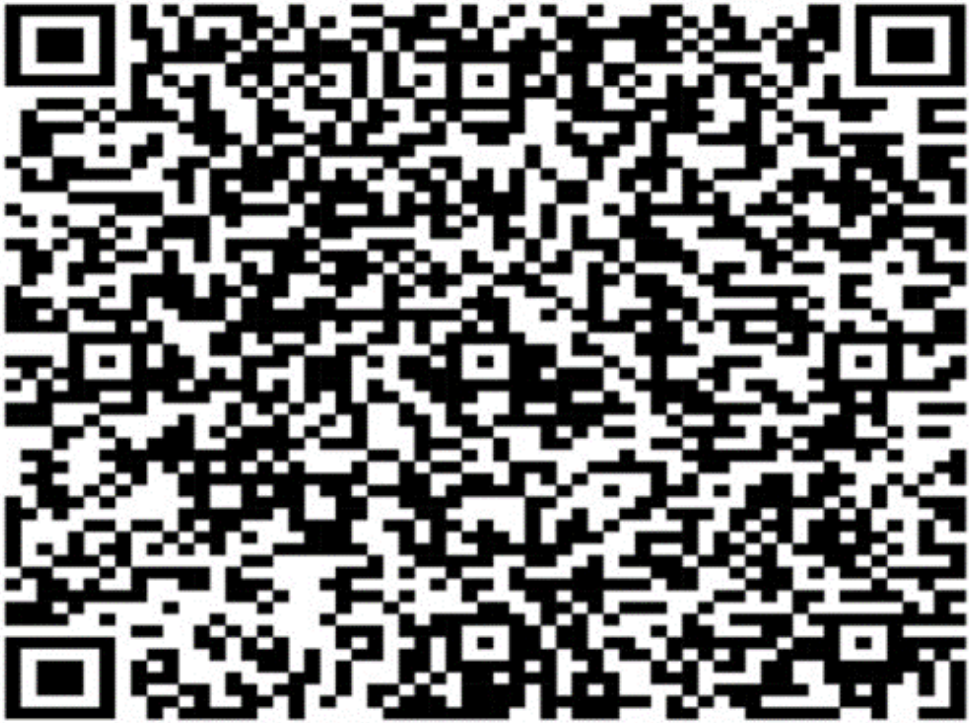
https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency

Contact Information

OSFM "CUPA" Program: cupa@fire.ca.gov (916) 263-6300

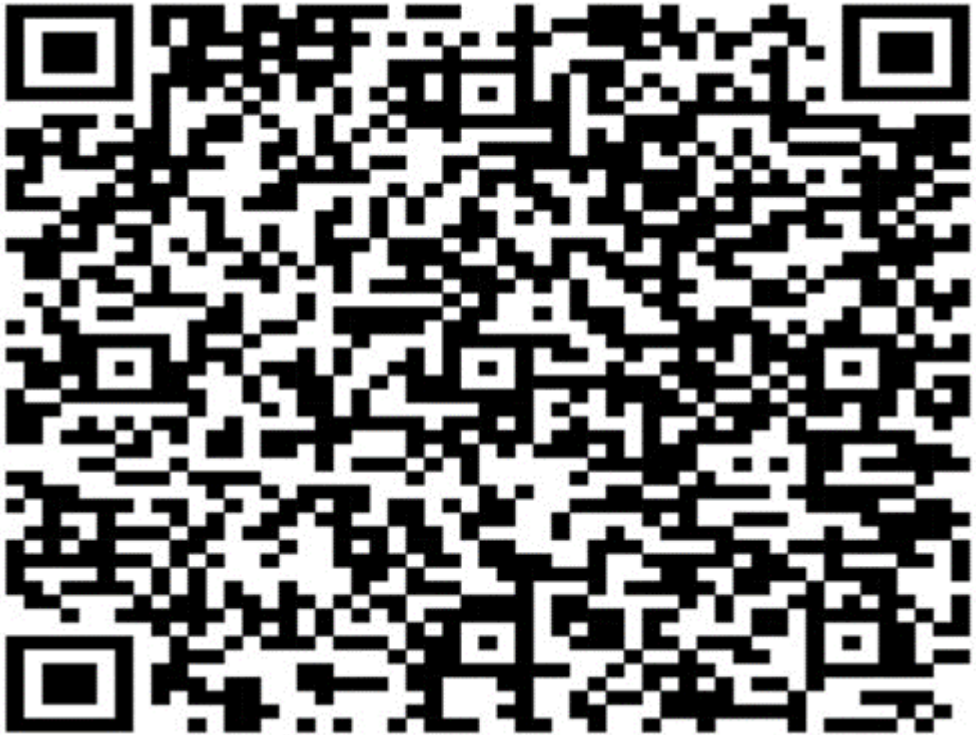
- James Hosler, Chief of Pipeline Safety, CUPA & AFFF
  - James.Hosler@fire.ca.gov
- Jennifer Lorenzo, Senior Environmental Scientist (Supervisor)
  - Jennifer.Lorenzo@fire.ca.gov
- Glenn Warner, Senior Environmental Scientist (Specialist)
  - Glenn.Warner@fire.ca.gov
- Denise Villanueva, Environmental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

OSFM APSA Webpage



HMMP/HMIS Webpage

OSFM Evaluations Checklists



For your patience-
Any Questions?...

CalEPA	State Water Board	CalEPA HMBP/CalARP Unit	DTSC	OSFM
Evaluation Process CalEPA Assessment	UST Program Assessment	HMBP Requirements and CalARP Program Assessment	HWG Program Assessment	APSA Program Assessment

DTSC Appendix

Appendix of Common HWG Program Evaluation Findings

- Accomplishments and Challenges
- Most Common 10 Deficiencies
- Observation of overall HWG Program Implementation

26th California Unified Program Annual Training Conference
February 26-29, 2024

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

CALIFORNIA CUPA FORUM

Most Common Deficiencies:

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

CALIFORNIA CUPA FORUM

Most Common Deficiencies:

- IMPORTANT: CME Data must be in CERS as it is required.
  - CCR, Title 27, Section 15290(a)(3)

- CUPA should review/update Data Management Procedures regularly, especially if any CME deficiency, incidental finding, or observation is noted for any of the Unified Program elements.

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).**

CALIFORNIA CUPA FORUM

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.**

CALIFORNIA CUPA FORUM

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.**

CALIFORNIA CUPA FORUM

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.**

CALIFORNIA CUPA FORUM

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.**

CALIFORNIA CUPA FORUM

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.

CALIFORNIA CUPA FORUM

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.**

CALIFORNIA CUPA FORUM

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.**

CALIFORNIA CUPA FORUM

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.**

CALIFORNIA CUPA FORUM

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.**

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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.**

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Observation:
HWG Program Implementation Overview

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 the CUPA's website
- We review inspection reports for details
- We look at formal enforcement stats settled in the time period evaluated