


LOS ANGELES FIRE DEPARTMENT

RALPH M. TERRAZAS
FIRE CHIEF

April 13, 2017

BOARD OF FIRE COMMISSIONERS FILE NO. 17-053
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TO: Board of Fire Commissioners

FROM: *RMT* Ralph M. Terrazas, Fire Chief

SUBJECT: CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION – FINAL
SUMMARY OF FINDINGS FOR JANUARY 2017

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

SUMMARY

The California Environmental Protection Agency (CalEPA) along with the California Emergency Management Agency, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board, conducted a Program evaluation from November 23, 2016 to January 18, 2017 of the Los Angeles Fire Department's (LAFD) Certified Unified Program Agency (CUPA).

This evaluation is mandated by the Health and Safety Code, Chapter 6.121, to be conducted at least once every three years, in order to verify the Certified Program Agency's implementation of the Unified Program (UP).

As noted on the report the State considers the performance status of the LAFD CUPA program to be 'satisfactory' and noted many examples of outstanding program implementation such as:

1. Participation in the Environmental Justice in initiative;
2. Electronic data management;
3. Interagency coordination;
4. Use of enforcement funds to pursue the CUPA's goals;
5. Interagency training committees;
6. Establishment of a electronic complaint process workflow;
7. Significant improvements in the Underground Storage Tank program and associated enforcement.

A highlight of the evaluation worth noting is the lack of any deficiencies related to the inspections of Underground Storage Tank (UST) facilities. The UST Program inspection was LAFD CUPA's greatest challenge in the previous 2014 evaluation as it had the most deficiencies of all the programs and there was real concern from the State Water Resources Control Board regarding LAFD's ability to adequately respond.

Over the last twelve months, LAFD CUPA has provided intensive retraining of all inspection staff and together with the motivation of the team the CUPA was able to not only meet but exceed the State's expectations. LAFD CUPA's efforts in the UST Program was subsequently recognized by SWRCB Chief Laura Fisher at the CUPA Conference this past February in front of hundreds of regulators across the State. This was a very proud moment for LAFD.

As in any typical evaluation the CUPA Program received deficiencies, however, of the 6 deficiencies only 4 are directly attributable to LAFD CUPA where minor improvements are needed. The remaining 2 deficiencies were issued to the Participating Agency (PA), the Los Angeles County Fire Department (County), who are providing sub-standard performance in the Hazardous Waste Inspection Program within the City. LAFD CUPA received the deficiencies because we are responsible for ensuring the County meets their State obligations to competently implement the Hazardous Waste Program within the City. This is a particularly challenging situation for LAFD and there are discussions with our State partners and the PA to determine whether the County should continue to regulate facilities that generate hazardous waste when LAFD CUPA has the ability to do the same. A shift of this program to the LAFD would make the CUPA inspections within the City a true one stop shop for businesses, redirect revenue back to the City, and give the City control of hazardous waste activities and enforcement all of which is the intent of the program and the reason the CUPA Program was first established across the State in 1995.

The education level of the Fire Inspectors was addressed as a concern for CalEPA, however, with one exception we were able to qualify the current inspectors as they were able to meet the college unit requirements due to having existing experience in the Program and LAFD's partnership with East Los Angeles Community College who provide college unit credit for training conducted by the LAFD. Ultimately, the CUPA did not receive a deficiency but this is an area of concern for CalEPA and going forward the CUPA Program will have challenges in finding suitable sworn Fire Inspectors that meet the 30 science unit State mandated requirement to be a CUPA Inspector.

In regard to the current list of deficiencies, the CUPA Program will work with the PA and CalEPA to resolve the issues as expediently as possible.

Attached for your review:

1. The 16 page CUPA Evaluation – Final Summary of Findings which lists each deficiency and the corrective action that was taken as well as the State's assessment of LAFD CUPA's examples of outstanding program performance. A response from LAFD CUPA to the Final Summary of Findings is not required until May 30 and will be provided in a later Fire Commission report.
2. Cover letter from CalEPA for the Final Summary of Findings.

The Department will provide a progress report to the Board of Fire Commissioners at a future meeting.

RECOMMENDATION

That the Board:
Receive and file this report.

DISCUSSION

The current status of the six deficiencies is as follows:

- All six deficiencies are uncorrected until the Sate reviews the first CUPA update due May 30, 2017

DEFICIENCY	PROGRAM ELEMENT	STATUS	PROJECTED COMPLETION DATE
# 1	HAZARDOUS MATERIALS INVENTORY SUBMITTAL IN CERS	UNCORRECTED	FEBRUARY 2018
# 2	ABOVEGROUND TANK - RETURN TO COMPLIANCE	UNCORRECTED - CORRECTIVE ACTION COMPLETED	MAY 2017
# 3	SELF AUDIT	UNCORRECTED	NOVEMBER 2017
# 4	HAZARDOUS WASTE PROGRAM (LA COUNTY FIRE)- RETURN TO COMPLIANCE	UNCORRECTED	FEBRUARY 2018
# 5	ENHANCED LEAK DETECTION	UNCORRECTED - CORRECTIVE ACTION COMPLETED	MAY 2017
# 6	HAZARDOUS WASTE PROGRAM (LA COUNTY FIRE) - ENFORCEMENT ACTIVITIES NOT REPORTED IN CERS	UNCORRECTED	JULY 2018

Board report prepared by Kristin Crowley, Acting Deputy Chief, Fire Prevention and Public Safety Bureau.

Attachments



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Certified Mail: 7015 1730 001 0036 7234

March 30, 2017

Ms. Kristin Crowley
Assistant Chief
Los Angeles Fire Department
200 N Main Street
Los Angeles, California 90012-4141

Dear Ms. Crowley:

On January 18, 2017, the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC), the California Office of Emergency Services (Cal OES), the CAL FIRE - Office of the State Fire Marshal (OSFM), and the State Water Resources Control Board (State Water Board) completed a Unified Program evaluation of the City of Los Angeles Fire Department Certified Unified Program Agency (CUPA). The evaluation comprised of a remote assessment and oversight inspections.

Upon completion of the evaluation, the Unified Program Evaluation Team (team) developed a preliminary Summary of Findings, which identified program deficiencies and provided corrective actions with timeframes for correction. Program observations, recommendations and examples of outstanding implementation were also noted.

Enclosed, please find the final Summary of Findings. Based upon review and completion of the evaluation, the implementation and performance of the Unified Program by the CUPA is considered to be satisfactory with improvements needed.

Deficiency Progress Reports are due every 90 days from the last day of the evaluation to document progress of the CUPA towards correcting identified deficiencies. Due to the delay with finalizing the Summary of Findings, the first Deficiency Progress Report is due May 30, 2017. Submittal of Deficiency Progress Reports is required until all identified deficiencies have been corrected. Each Deficiency Progress Report should be emailed as a Microsoft Word document file to the team lead, katrina.valerio@calepa.ca.gov.

The final Summary of Findings and Deficiency Progress Reports will be posted at:

<http://cersapps.calepa.ca.gov/Public/Directory/CUPAEvaluationDocuments>

Ms. Kristin Crowley
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During the 2017 evaluation, CalEPA also noted the CUPA has worked to bring about a number of local program innovations, in electronic data management and developing a remote complaint process that enables inspectors to respond to complaints as well as identify new facilities and report the information while in the field.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of the Unified Program.

If you have any questions or need further assistance, please contact the team lead, Katrina Valerio, at (916) 323-2204 or John Paine, Unified Program Manager, at (916) 327-5092.

Sincerely,

Original Signed by Jim Bohon

Jim Bohon
Assistant Secretary for Local Program Coordination and Emergency Response

Enclosure

cc sent via email

Mr. Royce Long
CUPA Manager
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Bureau of Fire Prevention and Public Safety
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Los Angeles, California 90012-4141

Mr. Daniel Dragotto, Captain
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Mr. Sean Farrow
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State Water Resources Control Board
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Mr. Glenn Warner
Senior Environmental Scientist, Specialist
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cc sent via email

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Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Ms Katrina Valerio
Unified Program Evaluation Team Lead
California Environmental Protection Agency



Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

CERTIFIED UNIFIED PROGRAM AGENCY

FINAL SUMMARY OF FINDINGS

EVALUATION YEAR:	2017	REVIEW PERIOD:	November 23, 2016 – January 18, 2017	ISSUANCE DATE:	March 30, 2017
CUPA:	Los Angeles City Fire Department				
EVALUATION TEAM MEMBERS:	CalEPA Team Lead	DTSC	Cal OES	SWRCB	CAL FIRE - OSFM
	Katrina Valerio	Matt McCarron Kevin Abriol	Denise Gibson	Sean Farrow	Glenn Warner Jenna Yang

This **FINAL SUMMARY OF FINDINGS** includes:

- deficiencies identified during the evaluation
- program observations and recommendations
- examples of outstanding program implementation

The findings contained within this evaluation report are considered final.

Based upon review and completion of the evaluation, the Unified Program implementation and performance of the CUPA are considered to be:

satisfactory with improvements needed

Questions or comments regarding this evaluation should be directed to **Katrina Valerio**.

<p>The CUPA is required to submit a Deficiency Progress Report every 90 days from the last day the evaluation is conducted, until all deficiencies have been acknowledged as corrected. Due to a delay in the final report, CalEPA will require the first update to be submitted 60 days after the issuance of the final report and every 90 days thereafter.</p> <p>Each Deficiency Progress Report must include a narrative stating the correction of <i>all</i> deficiencies identified in the Summary of Findings evaluation report.</p>	<p>Deficiency Progress Report submittal dates for the first year following the evaluation are as follows:</p> <p style="text-align: center;"> Update 1: May 30, 2017 Update 2: August 30, 2017 Update 3: November 30, 2017 Update 4: February 28, 2018 </p> <p style="text-align: center;">Each Deficiency Progress Report must be submitted to the CalEPA Team Lead.</p>
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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

DEFICIENCIES IDENTIFIED DURING EVALUATION

1.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not ensuring that all businesses electronically submit a complete Hazardous Materials Business Plan (Business Plan) annually to California Environmental Reporting System (CERS).</p> <p>The state agencies' review found 8,034 regulated facility records in CERS, while the CUPA Fiscal Year (FY) 2015/2016 Self Audit Report identifies 6,901 regulated facilities. The discrepancy in regulated facilities may be due to a large number of closed or inactive facilities, exempt facilities, or facilities not required to resubmit an annual Business Plan due to regulatory requirements.</p> <p>The state agencies' review of regulated facility records found:</p> <p>Approximately 24% to 35% have not submitted a chemical inventory within the past 12 months.</p> <p>Approximately 29% to 39% have not submitted emergency response and employee training plans within the past 12 months.</p> <p>Since the 2014 evaluation, the CUPA has significantly increased the number of businesses that electronically submit complete Business Plans annually to CERS. Since July 2016, the CUPA has issued Business Plan violations to more than 500 facilities related to Business Plan submittals and have initiated formal enforcement against a limited number of non-compliant facilities.</p> <p>Carryover deficiency from 2014 Evaluation.</p>	<p>By May 30, 2017, the CUPA will compare and contrast CERS with Envision Connect in order to identify regulated business where inventory and/ or Emergency Response Plans and Procedures submittal element were either missing or not updated. The CUPA will also update CERS regulated facility records to reflect closed or inactive facilities, exempt facilities, or facilities not required to resubmit an annual Business Plan due to regulatory requirements.</p> <p>By May 30, 2017, the CUPA will develop and provide a list to CalEPA of all regulated businesses that have not annually submitted a complete inventory and/ or Emergency Response Plans.</p> <p>With each Deficiency Progress Report, the CUPA will update the list with the status of business compliance.</p> <p>By August 30, 2017, the CUPA will follow-up with each regulated business identified on the list to ensure a complete Business Plan is submitted.</p> <p>By February 28, 2018, the CUPA will ensure that regulated businesses have submitted a complete Business Plan or that appropriate actions were taken to enforce this requirement.</p>
	<p>CITATION:</p>	
	<p>HSC, Chapter 6.95, Section 25504(e) HSC, Chapter 6.95, Section 25505 HSC, Chapter 6.95, Section 25508(a) HSC, Chapter 1, Section 13143.9 2013 CFC, Chapter 50, Sections 5001.5.1 and 5001.5.2 [Cal OES, OSFM]</p>	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS** DEFICIENCIES IDENTIFIED DURING EVALUATION

2.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently following-up and documenting return to compliance (RTC) for facilities cited with Aboveground Petroleum Storage Act (APSA) violations in Notices to Violation or inspection reports.</p> <p>OSFM review of APSA facility inspection, violation, and enforcement data, also called CME, in CERS found the following:</p> <p><u>FY 2015/2016</u></p> <ul style="list-style-type: none"> Out of 342 violations, 232 (68%) are without RTC. <p><u>FY 2014/2015</u></p> <ul style="list-style-type: none"> Out of 136 violations, 83 (61%) are without RTC. <p>CITATION:</p> <p>HSC, Chapter 6.11, Section 25404.1.2(c) CCR, Title 27, Section 15200(a) CCR, Title 27, Section 15185(a) and (c) [CalEPA, OSFM]</p>	<p>By May 30, 2017, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of the total number of APSA facilities that have open violations. The CUPA will follow-up with the facilities listed in the spreadsheet and prioritize follow-up actions based on the level of hazard. At minimum, the spreadsheet will include:</p> <ul style="list-style-type: none"> Facility name and address; CERS ID number; Facility ID number (if applicable); Inspection and violation dates; Scheduled RTC date; Actual RTC date; RTC qualifier; and Follow-up actions. <p>By May 30, 2017, the CUPA will provide CalEPA with a timeframe for when all of the listed facilities will be followed-up with.</p> <p>By August 30, 2017, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet.</p>
3.	DEFICIENCY:	CORRECTIVE ACTION:
	<p>The CUPA is not consistently completing an annual Self-Audit Report that contains all required elements.</p> <ul style="list-style-type: none"> The CUPA did not complete a FY 2014/2015 Self-Audit Report by the reporting due date. The CUPA's FY 2015/2016 Self-Audit Report is missing a plan of correction for identified deficiencies. <p>Note: The FY 2015/2016 Self-Audit report is significantly improved from the report of previous years, and is very comprehensive.</p> <p>CITATION:</p> <p>CCR, Title 27, Section 15280 (a) and (c)(1) [CalEPA]</p>	<p>By September 30, 2017, and each year thereafter, the CUPA will complete an annual Self-Audit Report that contains all required elements.</p> <p>With the November 30, 2017, deficiency progress update report, the CUPA will provide CalEPA with a copy of the completed FY 2016/2017 self-audit report.</p>

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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS** DEFICIENCIES IDENTIFIED DURING EVALUATION

<p>4.</p>	<p>DEFICIENCY:</p> <p>The CUPA is not ensuring that its Participating Agency (PA) is consistently following-up and documenting RTC for Hazardous Waste Generator (HWG) facilities cited with violations in Notices to Comply or inspection reports.</p> <p>Examples are provided below:</p> <ul style="list-style-type: none"> • Total violations: 7203 violations issued and 2216 violations do not have RTC for a rate of 31% • Total Minor violations: 6098 issued with 1837 violations without RTC for a rate of 30% • Total Class 1 and 2: 1105 violations issued with 379 violations without RTC for a rate of 34%. <p>Note: The CUPA identified this deficiency during its FY 2015/2016 PA audit, but did not outline a plan of correction.</p> <p>This was identified as a deficiency in 2014, but considered corrected during the deficiency progress update process.</p> <p>CITATION:</p> <p>HSC, Chapter 6.5, Section 25187.8(b) and (g) HSC, Chapter 6.11, Section 25404.1.2(c) CCR, Title 27, Section 15200(a) CCR, Title 27, Section 15185(a) and (c) [CalEPA, DTSC]</p>	<p>CORRECTIVE ACTION:</p> <p>By May 30, 2017, the CUPA, in coordination with the PA, will provide CalEPA with a sortable RTC tracking spreadsheet of the total number of HWG facilities that have open violations. At minimum, the spreadsheet will include:</p> <ul style="list-style-type: none"> • Facility name and address; • CERS ID number; • Facility ID number (if applicable); • Inspection and violation dates; • Scheduled RTC date; • Actual RTC date; • RTC qualifier; and • Follow-up actions. <p>By August 30, 2017, and with each Deficiency Progress Report, the CUPA, in coordination with the PA, will provide CalEPA with an updated version of the RTC tracking spreadsheet. The CUPA will also provide CalEPA with a copy of RTC documentation for 5 facilities requested by DTSC during the previous quarter.</p>
<p>5.</p>	<p>DEFICIENCY:</p> <p>The CUPA is not consistently requiring UST facilities to implement enhanced leak detection (ELD) testing, as required by Health and Safety Code, sections 25292.4 and 25292.5; based on a facilities proximity to public drinking water wells.</p> <p>State Water Board records show the following UST facilities have neither completed the required ELD testing nor submitted a request for reconsideration (RFR) to perform ELD testing application:</p> <ul style="list-style-type: none"> • CERS ID 10256143 • CERS ID 10248088 	<p>CORRECTIVE ACTION:</p> <p>By May 30, 2017, the CUPA will provide CalEPA with a copy of the notification documentation to implement ELD for the UST facilities identified in this deficiency.</p> <p>By August 30, 2017, if ELD testing has not been implemented or the owner/operator has not been granted approval of the RFR, the CUPA shall initiate appropriate enforcement.</p> <p>Once ELD testing has occurred, the CUPA will provide CalEPA with a copy of each facility's test results.</p>

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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION: **FINAL SUMMARY OF FINDINGS** DEFICIENCIES IDENTIFIED DURING EVALUATION

	<ul style="list-style-type: none"> • CERS ID 10245214/10246396 • CERS ID 10240798 <p>State Water Board has provided the CUPA with copies of the formal notification letters and noncompliance letters to implement required ELD testing.</p> <p>Note: If a UST owner/operator believes they are not within 1,000 feet of a public drinking water well, an RFR application must be submitted to State Water Board. The application form can be found at: http://www.waterboards.ca.gov/ust/eld/index.shtml. Once received from the UST owner/operator, State Water Board will make a final determination whether or not ELD testing is required.</p> <p>Note: During the 2017 CUPA evaluation, the CUPA notified the owners/operators of the four (4) UST facility listed above of the requirement to implement ELD testing and provided the facilities with the RFR application.</p> <p>CITATION:</p> <p>HSC, Chapter 6.7, Section 25292.4 and 25292.5 CCR, Title 23, Section 2644.1 [State Water Board]</p>	
<p>6.</p>	<p>DEFICIENCY:</p> <p>The CUPA is not consistently ensuring that the PA documents HWG RTC information in CERS.</p> <p>Specifically, during an evaluation meeting with the CUPA and PA on January 3, 2017, the PA stated that it had not consistently reported RTC data for a period between 7/1/2013 and 2/24/2014, due to trouble with their data system, and volume of records to be reported.</p> <p>CITATION:</p> <p>HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15290(b) CCR, Title 27, Section 15187(c) [CalEPA]</p>	<p>CORRECTIVE ACTION:</p> <p>By August 30, 2017, the CUPA in consultation with the PA will develop, implement, and provide CalEPA with a plan to ensure inspection, violation, and enforcement information from 7/1/2013 onward is reported to CERS. The Plan will include:</p> <ul style="list-style-type: none"> • A description of a scope of the project; • A timeline for correcting this deficiency. <p>By July 18, 2018, the CUPA will have reported consistent inspection, violation, and enforcement information to CERS.</p>

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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*	DEFICIENCY:	CORRECTIVE ACTION:
*	<p>During the 2014 evaluation, he CUPA was found to be deficient for is issuing UST operating permits to facilities that are not in compliance.</p> <p>State Water Board file review indicated that UST inspectors in many cases were not reviewing annual monitoring certifications, secondary containment testing reports, or other testing and leak detection records.</p> <p>Carryover deficiency from 2014 Evaluation.</p>	<p>Deficiency is confirmed to be corrected during the 2017 CUPA evaluation process.</p> <p>State Water Board review of annual UST compliance inspection reports, associated monitoring certifications, periodic testing, and CERS finds the CUPA is withholding the issuance of permits for non-compliance in accordance with statute and regulations. Therefore, State Water Board considers this deficiency corrected.</p>
	CITATION:	
	HSC, Chapter 6.7, Section 25285 (b) CCR, Title 23, Section 2712 (e) [State Water Board]	
*	<p>During the 2014 evaluation, the CUPA was not requiring facilities to submit Underground Storage Tank (UST) testing and leak detection documents as required by Chapter 6.7 of the Health and Safety Code (Statute) and Title 23, Chapter 16 of the California Code of Regulations (Regulation).</p> <p>Carryover deficiency from 2014 Evaluation.</p>	<p>Deficiency was confirmed to be corrected during the 2017 CUPA evaluation process.</p>
	CITATION:	
	HSC, Chapter 6.7, Section 25288 (b) [State Water Board]	
*	<p>During the 2014 evaluation, the annual UST compliance inspection was not always conducted in accordance with the requirements set forth in Statute or Regulation.</p> <p>Carryover deficiency from 2014 Evaluation.</p>	<p>Deficiency was confirmed to be corrected during the 2017 CUPA evaluation process.</p>

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	CITATION:	
	HSC, Chapter 6.7, Section, 25288 (a) CCR, Title 23, Section, 2712 (e) [State Water Board]	
*.	DEFICIENCY:	CORRECTIVE ACTION:
	During the 2014 evaluation, the CUPA was not requiring UST facilities with testing and/or leak detection failures documented as part of monitoring certifications, secondary containment testing, and other testing of non-monitoring reports to return to compliance. Carryover deficiency from 2014 Evaluation.	Deficiency was confirmed to be corrected during the 2017 CUPA evaluation process.
	CITATION:	
	CCR, Title 23, Chapter 16, Section 2630 (a) CCR, Title 23, Chapter 16, Section 2631 (g) CCR, Title 23, Chapter 16, Section 2632 (b) CCR, Title 23, Chapter 16, Section 2634 (b) CCR, Title 23, Chapter 16, Section 2640 (a) CCR, Title 23, Chapter 16, Section 2641 (a) CCR, Title 23, Chapter 16, Section 2712 (f) [State Water Board]	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA is implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1.	<p>OBSERVATION:</p> <p>The CUPA's APSA inspection checklists currently in use appear to have been updated relative to the 2014 CUPA Forum Board versions. However, the update of the currently used checklist versions occurred prior to July 2016.</p> <p>The CERS violation library was updated in July 2016. Several revisions were made including removal and addition of violations. The total number of APSA violations in the 2016 library has increased to approximately 98.</p> <p>RECOMMENDATION:</p> <p>OSFM recommends that the CUPA update their APSA inspection checklist to include additional APSA specific violations.</p> <p>OSFM recommends that the CUPA utilize comprehensive APSA inspection checklists and ensure that the checklist items are applicable to the tank facilities being inspected.</p> <p>The CUPA Forum Board has four (4) 2014 versions of the APSA checklists (Tier I, Tier II, Conditionally Exempt, Professional Engineer-Certified Spill Prevention, Control, and Countermeasure (SPCC) Plan Facilities) based on the 2014 APSA violation library, available at this website link: http://www.calcupa.com/WordChecklists.php.</p> <p>However, updated 2016 APSA checklist versions (consistent with the CERS 2016 violation library) are not yet available from the CUPA Forum Board. The CUPA should consider implementation of the 2016 APSA checklist versions as they become available.</p> <p>Note that Tier I qualified facilities are not subject to all the provisions of a Tier II qualified facility or a facility that's required to have an SPCC Plan certified by a professional engineer. For example, if utilizing the Tier I qualified facility SPCC Plan template, a Tier I qualified facility is not required to include a facility diagram on their SPCC Plan. The United States Environmental Protection Agency (US EPA) has comprehensive checklists for the Tier I qualified facilities and onshore bulk storage facilities on their "SPCC Guidance for Regional Inspector website". The onshore bulk storage facility checklist also applies to Tier II qualified facilities.</p>
2.	<p>OBSERVATION:</p> <p>OSFM's review of accepted Business Plan submittals in CERS finds some limited instances of incomplete information. This includes, but is not limited to, the following examples:</p> <ul style="list-style-type: none">• CERS ID 10241551 was missing several elements on its 2016 site map, including loading areas, storm and sewer drains, emergency shutoffs, evacuation staging areas and emergency response equipment.• CERS ID 10260208 was missing several elements on its 2016 site map, including storm and sewer drains, emergency shutoffs, evacuation staging areas and emergency response equipment.• CERS ID 10253281 was missing several elements on its 2016 site map, including loading areas, storm and sewer drains, emergency shutoffs and evacuation staging areas.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CERTIFIED UNIFIED PROGRAM AGENCY

EVALUATION: **FINAL SUMMARY OF FINDINGS**

OBSERVATIONS AND RECOMMENDATIONS

	<ul style="list-style-type: none">• CERS ID 10251382 was missing several components on its 2016 site map, including storm and sewer drains, emergency shutoffs, evacuation staging areas and emergency response equipment. Additionally, no emergency response plan or training plan has ever been submitted by this facility. <p>Several facility files demonstrated pro-active steps taken by CUPA staff who rejected submittals that contained missing elements, and provided specific instructions to the business intended to assist in successful resubmission.</p>
	RECOMMENDATION:
	OSFM recommends that the CUPA train all staff to ensure that future Business Plan submittals are thoroughly reviewed and contain all the required elements, including their site maps, emergency response plans and procedures, and training programs. Staff training should include CUPA's preferred approach to handling submittals that are missing required elements, including the response to be provided to the business.
3.	OBSERVATION:
	<p>The CUPA provided OSFM with a spreadsheet that identifies APSA tank facilities that store 10,000 gallons or more of petroleum pursuant to OSFM's request during the evaluation. The spreadsheet does not currently include some facilities that have self-identified as APSA facilities in CERS, and have uploaded inventory submittals that demonstrate petroleum storage capacity of approximately 10,000 gallons or more. The following are examples: CERSIDS 10257814, 10240717, 10503559, 10453570, 10414030, 10247743, 10398883, 10256491, 10398916, 10257703, 10243504, 10503559, 10453570, and 10414030.</p>
	RECOMMENDATION:
	OSFM recommends that the CUPA review the facilities identified above and, based on the CUPA's review either revise CERS submittal element status or envision connect program element codes to ensure all of the facilities' program elements are accurately and consistently identified.
4.	OBSERVATION:
	<p>The CUPA's performance regarding timely review and acceptance of Business Plan submittals can be improved. There were multiple instances of delays beyond 1 year, and in some cases 2 years to review and accept Business Plan submittals. This is problematic because businesses are responsible for submittals on an annual basis. CUPA enforcement related to delinquent Business Plan submittals is potentially compromised if the CUPA is not reviewing submittals in a timely manner.</p>
	RECOMMENDATION:
	OSFM recommends that the CUPA review its procedures in order to deliver improved response to their regulated business community.

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5.	OBSERVATION:
	<p>CUPA's I&E plan has APSA related content that is incorrect and needs to be updated as described below:</p> <ol style="list-style-type: none">1) In section A on page 3 Appendix A is referenced, and is identified as containing the inspection checklists for each of the program elements. However, Appendix A only contains a single APSA checklist (Tier II), which is likely the 2014 version.2) On page 5 in the Inspections section, the table contains an incorrect APSA program reference. The correct reference is "facilities with storage capacity of <u>10,000 gallons or more</u> of petroleum".3) In section I on page 8, there are additional incorrect references related to storage capacities. Improved references can include '1,320 gallons and more, but less than or equal to 9,999 gallons', and 'facilities with storage capacity of 10,000 gallons or more of petroleum'.
	RECOMMENDATION:
	<p>OSFM recommends that the CUPA update the I&E plan to include improved APSA related content.</p>
6.	OBSERVATION:
	<p>CUPA's Area plan has Fire Code related content that is incorrect and needs to be updated as described below:</p> <ol style="list-style-type: none">1) It references the Uniform Fire Code on page 15 of the plan (page 24 of the document). Current fire code adopted by the state is the California Fire Code.
	RECOMMENDATION:
	<p>OSFM recommends that the CUPA update the Area Plan to reference California Fire Code.</p>
7.	OBSERVATION:
	<p>On January 5, 2017, DTSC staff accompanied Los Angeles County Fire Department PA – North District staff on HWG inspections at two facilities (CERSID 10241626 and CERSID 10139467). The first facility (CERSID 10241626) manufactures metal and ceramic parts, and the second facility (CERSID 10139467) is an auto parts store that operates a used oil collection facility; the second facility also collects used oil filters and lead-acid batteries. The inspectors prepared for the inspections by utilizing Hazardous Waste Tracking System (HWTS), CERS, and facility file information. Both of the inspections were unannounced and consent to inspect the facilities was requested prior to the inspection.</p> <p>At the January 5, 2017 inspection (CERSID 10241626), the safety engineer was not available and the facility manager could only provide a tour of the facility, but was not able to provide any documentation. The CUPA staff conducted a walk-through of the facility. Several violations, including an unlabeled container and open containers were documented by the CUPA inspector. As there was not enough time to complete the inspection on the first day, and the CUPA inspector returned to the facility on January 10 to meet with the safety engineer, continue touring the facility and review records.</p>

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	<p>The facility originally notified DTSC in 1994 that they were treating waste onsite and identified three waste treatment units. The facility had not notified the CUPA via CERS that they were treating waste onsite. On January 10, 2017, the CUPA updated the Onsite Hazardous Waste Treatment notification with the facility manager. The facility and the PA made several errors in the notification including: one unit was identified for Conditionally Exempt (CE) Small Quantity Treatment but failed to check the box for elementary neutralization as the reason for not needing a federal permit. Additionally, another entry in CERS incorrectly identified a unit as being a CE-CL (commercial laundry). The facility used estimates for the amount of monthly treatment activity in their elementary neutralization unit based on their Standard Operating Procedures. HSC 25201.5 (d) requires a record of the dates, amounts, and types of wastes treated. Based on the information in the inspection report and what the DTSC evaluators observed during the inspection, a follow up call was conducted with LA County Fire PA manager and inspectors to clear up confusion.</p> <p>During the January 5, 2017 inspection of the second facility (CERSID 10139467), the inspector was very knowledgeable and informed the facility manager about appropriate segregation of wastes. The facility was cited for not properly labeling their lead-acid battery storage area. The inspection report was reviewed and signed by the facility manager at the conclusion of the inspection.</p>
	<p>RECOMMENDATION:</p> <p>DTSC recommends that the CUPA provide inspection information from the follow up inspections to DTSC and any updates related to enforcement as they occur for the first facility (CERS ID 10241626).</p>
8.	<p>OBSERVATION:</p> <p>DTSC notes that in the I&E plan under Section I, part K page 7-8 there is no reference for RTC for the HWG violations. Section I part J page 7 refers to the hazardous waste program and it refers to the Los Angeles County Inspection and Enforcement J. Hazardous Waste Generator Inspection Program "See L. A. County Fire Department Inspection and Enforcement Plan". This document referred to by the CUPA is outside the control of the CUPA and this reference does not specify a date of the document.</p>
	<p>RECOMMENDATION:</p> <p>DTSC recommends that the CUPA include PA specific information in the all the appropriate locations or incorporating into the Appendix with links from the appropriate section of the CUPA's I&E Plan to the appropriate section. In the PA's I&E Plan.</p>
9.	<p>OBSERVATION:</p> <p>An APSA inspection was conducted on 10/16/2014 (CERS ID 10503559). The CUPA cited the facility for not submitting a Business Plan to CERS. RTC is indicated on 10/17/2014 for the violation. However, there is no history of CERS Tank Facility statement or Business Plan submittals for this facility.</p>
	<p>RECOMMENDATION:</p> <p>OSFM recommends that the CUPA conduct quality assurance review of their reported inspection data to ensure entry of CME information accurately reflects inspection reports and RTC information.</p>

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10.	OBSERVATION: State Water Board review of the CUPA's I&E Plan finds the CUPA providing an example of the annual UST compliance inspection checklist used by inspection personnel. The CUPA currently uses an electronic checklist to conduct annual UST compliance inspections, which is not consistent with the checklist in the I&E Plan.
	RECOMMENDATION: State Water Board recommends that the CUPA revise the I&E Plan to include the most current checklist used by inspection personnel.
11.	OBSERVATION: State Water Board review of accepted CERS UST submittals finds some limited instances of inaccurate data. This includes, but is not limited to, the following examples: <ul style="list-style-type: none">• Double-wall USTs which show the secondary containment system field as blank. CERS IDs 10241422 (tanks 1-30); 10241512 (tank 2); and 10257262 (tank 00001).• Double-wall pressurized product pipe where no line leak detectors are installed (excluding emergency generators). CERS IDs 10197775 (tanks 2, 4); 10249222 (tanks 1-3); and 10241821 (tanks 02, 03).• USTs identified as being monitored by vacuum, pressure, or hydrostatic methods show secondary containment testing is required.• CERS IDs 10259635 (tank 35941); 10254571 (tanks 1-4); and 10260022 (tank 1).
	RECOMMENDATION: State Water Board recommends that the CUPA review accepted CERS UST submittals, including but not limited to the facilities identified above, for inaccurate data no later than the next annual UST compliance inspection.
12.	OBSERVATION: State Water Board observed the CUPA conduct several annual UST compliance inspections by different inspectors on December 12 and 13, 2016. The CUPA inspectors conducted complete physical inspections including but not limited to, reviewing CERS prior to conducting inspections for familiarization with UST system, obtaining consent to inspect, verification of Service Technician certification(s), observing the condition of the UST system(s), and field verification of CERS UST submittals. Furthermore CUPA inspectors utilized their electronic UST inspection checklists as well as utilizing Envision Connect Remote and their Google Drive to track information. This information includes but is not limited to, last annual inspection dates, monitoring certification dates, secondary containment testing dates, and violation tracking. The CUPA also observed Service Technicians performing services on UST systems., The inspector identified an the Service Technician's name, certifications, and expiration dates of equipment certified to use for performing services on UST systems. This tracking method improves the ability to prepare for inspections, as well as prepare inspection reports.

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	<p>State Water Board finds significant improvement in CUPA inspection personnel knowledge of regulations, technical and administrative skills in conducting inspections resulting in an overall significant improvement to the annual UST compliance inspection.</p>
	<p>RECOMMENDATION:</p>
	<p>State Water Board recommends that the CUPA continue to follow Standard Operating Procedure "UST 1A Underground Storage Tank Inspection," developed as part of the 2014 Program Improvement Agreement. State Water Board also recommends that the CUPA continue with regular staff meetings to encourage CUPA staff and inspectors in the consistent implementation of the UST program element, as well as, encourage the inspectors to continue to contact State Water Board when questions arise regarding the UST program. .</p>
13.	<p>OBSERVATION:</p> <p>The CUPA is not consistently revising facility submittal status. The result is that the CUPA appears to regulate many more facilities than noted in the Self Audit and other annual reports. The deference identified during this evaluation period between the number of active facilities in CERS and the FY 2015/2016 Self Audit Report are providing below as examples.</p> <p>Business Plan:</p> <ul style="list-style-type: none">• 1113 facility discrepancy;<ul style="list-style-type: none">○ 8052 active facilities in CERS;○ 6945 active facilities in FY 2015/2016 Self-Audit Report. <p>UST:</p> <ul style="list-style-type: none">• 148 facility discrepancy<ul style="list-style-type: none">○ 1414 active facilities in CERS○ 1266 active facilities in FY 2015/2016 Self-Audit Report <p>APSA:</p> <ul style="list-style-type: none">• 58 facility discrepancy<ul style="list-style-type: none">○ 549 active facilities in CERS• 491 active facilities in FY 2015/2016 Self-Audit Report
	<p>RECOMMENDATION:</p>
	<p>CalEPA recommends that the CUPA take steps to identify facilities that are inactive or have inaccurately self-reported the applicability of a submittal element. Once the facilities have been identified, CalEPA recommends that the CUPA set the correct submittal status for each facility.</p>
14.	<p>OBSERVATION:</p> <p>DTSC notes that the CUPA and PA have inspected 91% of their known HWG facilities, with 549 due for inspection out of 5979 facilities.</p>

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	<p>DTSC notes that the California HWTS system shows that currently 4458 EPA Id numbers are active in the City of Los Angeles. Currently the CUPA and the PA have about 6100 facilities in their inspection efforts. There is a difference of approximately 1600 facilities that have not in compliance their annual renewal for the EPA ID number verification. DTSC is working with the CUPA and PA to identify if there are additional sites that may be shipping hazardous waste that are not in their program.</p>
	<p>RECOMMENDATION:</p> <p>DTSC recommends that the HWG inspectors check on the status of the EPA ID number during their next HWG inspections. DTSC also recommends that the CUPA and PA continue to coordinate with new businesses starting in the city and with closures of existing facilities to keep data and inspection activity current.</p>
11.	<p>OBSERVATION:</p> <p>DTSC finds some limited instances of the PA not inspecting all tiered permitted (TP) facilities at least once every three years.</p> <p>DTSC review of the PA's Envision Connect database indicates that 153 facilities indicated that they treat hazardous waste on site. 10 (6 %) of those facilities were not inspected within the mandated timeframe.</p>
	<p>RECOMMENDATION:</p> <p>DTSC recommends that the CUPA inspect the 10 tiered permitting facilities overdue for inspection within the next year and review their inspection schedule to ensure that all tiered permitting facilities are inspected every three years pursuant to Health and Safety Code requirements.</p>

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- 1. Environmental Justice Initiative Participation** - In 2015 and 2016, the CalEPA Environmental Justice Task Force conducted an initiative focused on the Los Angeles communities of Boyle Heights and Pacoima. Both communities are among the top 5 percent of disadvantaged communities in California, according to CalEnviroScreen. For an overview of this initiative, please see the Los Angeles Initiative Report - See more at: <http://www.calepa.ca.gov/EnvJustice/#sthash.Zhpod7Pj.dpuf>. The Los Angeles City Fire Department and the Los Angeles County Fire Department as their PA for HWG inspections were instrumental in assessing and inspecting facilities. The Los Angeles City Fire coordinated with the Federal EPA, the City Attorney, the Bureau of Sanitation and several state agencies to coordinate inspection and subsequent enforcement of several facilities. The CUPA worked closely with the community to understand their needs.
- 2. Electronic Data Management** – The CUPA has undertaken a dynamic shift to electronic data management. The CUPA has scanned the majority of its historic files, began using electronic inspection reports, and recently instituted electronic plan check for UST facilities. The CUPA has advanced its use of envision connect creating reports for inspectors to use to track when inspections are due, as well as violations for which RTC is pending. The shift in the CUPA's data management strategy has allowed CUPA inspectors to need to access information about each facility while out in the field and reduced overall travel time between inspections, as inspectors no longer need to return to the office to collect materials.

The CUPA has also developed an innovative method to disseminate information to first responders in the event that information is not available in CERS. They have incorporated technology such as Geographic Information Systems (GIS), which will populate information (inventory) from their regulated business Hazardous Materials Business Plans and bring the information on to an overlay map of the businesses. They have the capability to download (once a month) information from CERS on to a Google cloud, where the information can be utilized by mobile CUPA staff and other public safety entities (Fire and Police) when an emergency arises within their jurisdiction. The CUPA is about to launch an online payment option in order to make it easier for their regulated businesses to pay their fees.

- 3. Interagency Coordination** – The CUPA Manager and Staff are very active in interagency coordination efforts including the CUPA Forum Board, Regional Forum Board Meetings, Data Steering Committee, Enforcement Steering Committee, Technical Advisory Groups, Interagency Refinery Task Force, LAC4, CUPA Conference Committee and Session Presentations, and quarterly meetings with the CUPA's PA. The LAFD CUPA is also a member of the City Attorney Environmental Strike Force and attends monthly meetings in order to work with the City Attorney Environmental Strike Force and to develop initiatives to prevent and/or improve environmentally- damaged and impacted areas.
- 4. Use of Enforcement Monies Pursue CUPA's Goals** - The CUPA has utilized the funds from enforcement proceedings in very inventive ways. The CUPA used these funds to pay for computers, vehicles (six currently and 15 more ordered) and staff training. With this new equipment, the CUPA was able to create a mobile inspector staff unit, which has proven to be an efficient time saving element for the program and staff. Inspection staff no longer have to check in and gather facility information in the office before proceeding to inspections. The mobile unit can access all necessary inspection information remotely.

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5. **Interagency Training Committees** – The CUPA has established internal committees within which inspectors meet to discuss issues or identify training needs within the CUPA. Based on the training committee findings, training is developed and provide to all CUPA inspectors in Business Plan and UST program elements and other CUPA related topics such as CERS and Administrative Enforcement.
6. **Complaint Process Workflow** – The CUPA has begun implementing a Complaint Process Workflow that allows inspectors to create, review and process complaints while in the field. The CUPA designed the workflow to operate in Envision Connect. The electronic workflow also provides a mechanism for inspectors to report and log newly identified facilities.
7. **Improvement of the UST Program Element** – Since the 2014 evaluation, State Water Board finds significant improvement in CUPA inspector’s knowledge of regulations, technical and administrative skills in conducting inspections resulting in an overall significant improvement to the annual UST compliance inspection. The CUPA has demonstrated the improvement the number of inspections conducted annually;
 - FY 2015/2016: Report 6 identifies 1,415 inspections conducted;
 - FY 2014/2015: Report 6 identifies 1,046 inspections conducted;
 - FY 2013/2014: Report 6 identifies 885 inspections conducted.

The CUPA has also improved enforcement of the UST program element. State Water Board’s review of the CUPA’s FY 2015/2016 Self-Audit Report finds the CUPA significantly increasing the number of issued Notice of Violations (NOVs). In FY 2014/2015, the CUPA notes issuing 584 NOVs while in FY 2015/2016, the CUPA notes issuing 874 NOVs.

This increase is partially due to increased staffing of the CUPA’s enforcement unit. Three (3) staff are dedicated to pursuing enforcement for all program elements. The added staff enables the CUPA to follow up on enforcement actions and pursue administrative enforcement orders.