

LOS ANGELES FIRE DEPARTMENT



RALPH M. TERRAZAS
FIRE CHIEF

February 14, 2020

BOARD OF FIRE COMMISSIONERS
FILE NO. 20-020

TO: Board of Fire Commissioners

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

SUBJECT: FPB CUPA PROGRAM UPDATE – FIRST AND SECOND QUARTER FY 2019/2020 - (July 1st 2019 to Dec 31st, 2019) AND RESULTS OF THE 2019 CUPA EVALUATION BY THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

FOR FINAL ACTION:

☐ Approved
☐ Denied

☐ Approved w/Corrections
☐ Received & Filed

☐ Withdrawn
☐ Other

SUMMARY

Los Angeles Fire Department's Certified Unified Program Agency (LAFD CUPA) Section is overseen by a Program Manager and is responsible for the administration, permit, inspection and enforcement activities of the following environmental and emergency management programs with the exception of the hazardous waste program which is implemented by Los Angeles County Fire (LACoFD) under a Participating Agency (PA) agreement with the Los Angeles Fire Department (LAFD):

- Aboveground Petroleum Storage Act (APSA) Program
- California Accidental Release Prevention (CalARP) Program
- Hazardous Materials Inventory and Business Emergency Plan (HMBP) Program
- Hazardous Waste Generator Program
- Underground Storage Tank (UST) Program

The following data was collected from Envision Connect and the California Environmental Reporting System and reflects the status of the State mandated inspections. The LAFD CUPA operates on a fiscal year to complete inspections. This report contains inspection data for the 1st and 2nd inspection quarter of the fiscal year (July 1st 2019 to December 30th, 2019).

RECOMMENDATION

That the Board:
Receive and File.

DISCUSSION

Overall the LAFD CUPA Program continues to perform commendably in key performance criteria. The Unit Commanders, Captain Dragotto and Captain Leach together with the sworn and civilian inspectors, Data Management Unit and the support from Chief Crowley, Chief Saunders, Chief Mathis and Chief Terrazas have clearly made the difference in the success of the program.

Over the past six months, the LAFD CUPA has engaged in the following projects or initiatives that have had an impact locally or on statewide direction of the Certified Unified Program (CUPA) Program:

1. Evaluation and redesign of the California Environmental Reporting System – Statewide Project
2. Participated on the (CUPA) Forum Board in the following capacities:
 - a. Statewide Legislative Issue Coordinator
 - b. Statewide Data Steering Coordinator
 - c. Regional Underground Storage Tank Issue Coordinator
 - d. Participation on the CUPA Conference Planning Committee
 - e. Regional CUPA Forum Coordinator
3. AB1646 - Refinery Community Alert and Notification System
4. Fire Inspector I and II and civilian inspector participation on the following statewide committees
 - a. Underground Storage Tank – Technical Advisory Group
 - b. Hazmat Technical Advisory Group
 - c. APSA Technical Advisory Group
 - d. Hazardous Waste Technical Advisory Group
 - e. Enforcement Technical Advisory Group
5. Participation in LAFD's Unmanned Aerial System (UAS) project providing key assets and drone pilots to support the mission of the program.
6. Continued development of the CUPA Internship Program
7. Completion of the triennial CUPA evaluation by California Environmental Protection Industry (CalEPA).
8. Rollout of PEAC hazmat inventory and modeling software to the Joint Hazard Assessment Team and Hazmat Squads

State CUPA Evaluation Results - California Environmental Protection Agency

The LAFD CUPA recently finalized a rigorous evaluation of the CUPA Program performed by CalEPA, the Department of Toxic Substances Control (DTSC), State Water Resources Control Board, Office of Emergency Services and the State Fire

Marshal's Office. The evaluation reviewed the complete implementation of the program which includes administration, inspection and enforcement activity and implementation performance by our Participating Agency (PA) the Los Angeles County Fire Department's Health Hazardous Materials Division for the Hazardous Waste Program (LACoFD HHMD).

To summarize, the State was extremely impressed with the LAFD CUPA Program performance including our statewide engagement efforts and the initiatives we have taken upon ourselves to continually improve our operations and the services we provide to the business community and to the LAFD. The sentiment is reflected in the results of the State evaluation report which shows **no deficiencies** for the programs directly implemented by the LAFD CUPA. It is a rare event for any CUPA to compete a full State evaluation by five separate state agencies and not receive any program deficiencies. This is an extraordinary result for a program of our size being one of the largest in the State. Also, considering the recovery journey the program has taken over the last five years, it is a testament to the devotion by the members of the LAFD CUPA Section as well as the unwavering support provided by the command staff of the LAFD.

Our evaluation also takes into account the performance by our PA, the LACoFD HHMD, who are responsible for inspecting businesses within the City that handle hazardous waste. Our PA's performance was noted as having serious concerns by DTSC during the evaluation since many businesses across the City have gone unregulated and unpermitted by the PA for many years. The DTSC issued three deficiencies to our PA during the evaluation to address their failure to adequately implement the program.

It should be noted that the LAFD CUPA also evaluates the PA every year. In 2017, the LAFD CUPA cited the PA for failure to permit and inspect over 1,500 businesses that generate and handle hazardous waste. The PA's response to the corrective action issued by the LAFD CUPA was underwhelming and subsequently the PA was placed on a Program Improvement Agreement (PIA) by the LAFD CUPA. The current evaluation findings by DTSC are consistent with the findings by the LAFD CUPA.

Participating Agency Evaluation

The LACoFD HHMD has a PA Agreement with LAFD to undertake the inspection and enforcement of businesses that generate hazardous waste within City. Under the agreement and also according to the Health and Safety Code, the LAFD CUPA is responsible for overseeing and evaluating the PA program performance. During the 2016/17 performance evaluation the LAFD CUPA determined the PA was under performing in key critical areas that included falling behind on compliance inspections, poor follow up on outstanding violations, not identifying and issuing permits to businesses that generate hazardous waste in the City, penalizing City businesses without authority and incorrectly classifying violations.

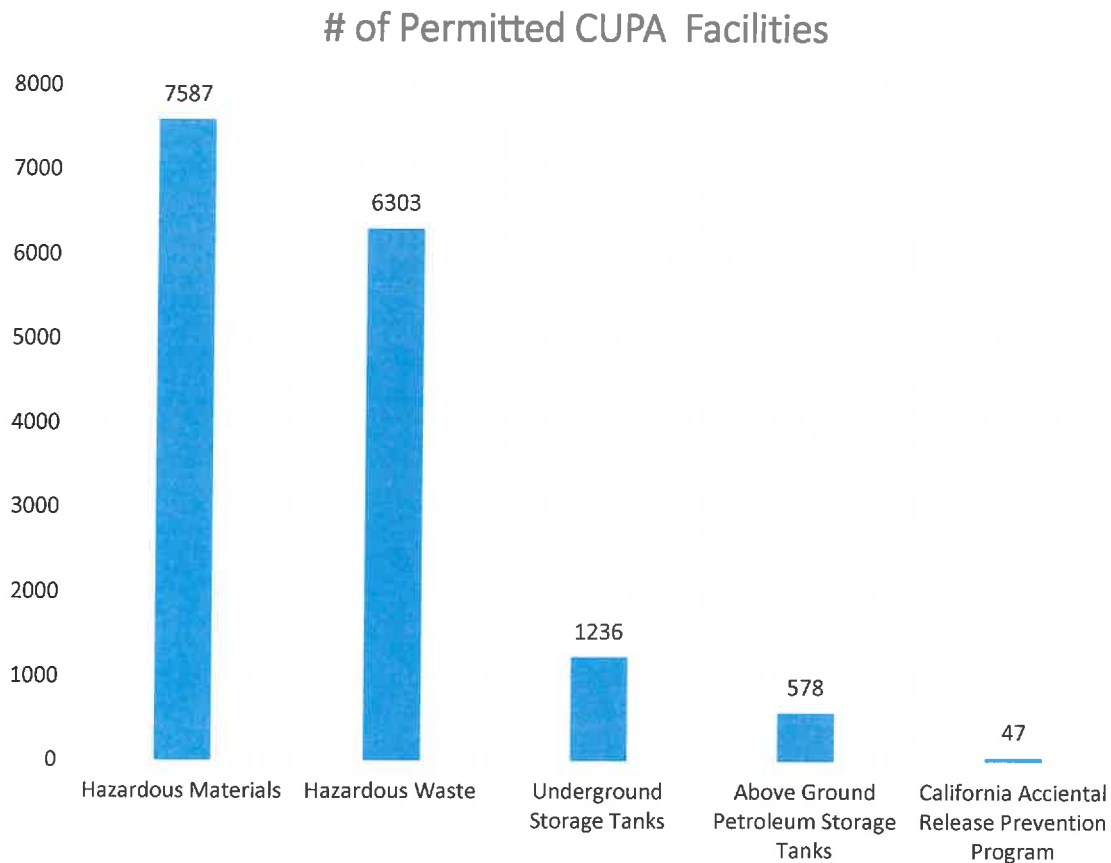
The LAFD CUPA has placed a considerable amount of effort and resources to bring the PA's program into compliance, and to date the response from the PA has been unsatisfactory. In June 2019, the LAFD CUPA, in consultation with the California Environmental Protection Agency, placed the PA on a Program Improvement Agreement (PIA) which establishes clear expectations and deadlines for the PA to come into compliance with the deficiencies that were identified during the evaluation. The PA continues to be out of compliance with the PIA. The LAFD CUPA will continue to work with the PA to resolve their performance issues.

Participating Agency Agreement

The LAFD CUPA has been working with LAFD Commanders and the City Attorney's Office to draft a new PA Agreement to replace the existing 1996 agreement which has become outdated and less relevant compared to how CUPA programs now operate throughout the State. The new draft agreement will also provide transparency and accountability for other services provided by LACoFD HHMD under the PA agreement which include hazardous materials response and site mitigation services. The current agreement identified these additional services but does not require the PA to provide any performance or accounting reports or metrics of any kind regarding how these programs are implemented. The current agreement is also missing a renewal term for when the agreement should be reviewed to ensure performance, fee accountability and operations are consistent with expectations current at this time. Ultimately, a new PA agreement will be beneficial for all parties including the businesses in the City who are the center of the program and burdened with paying LACoFD HHMD fees.

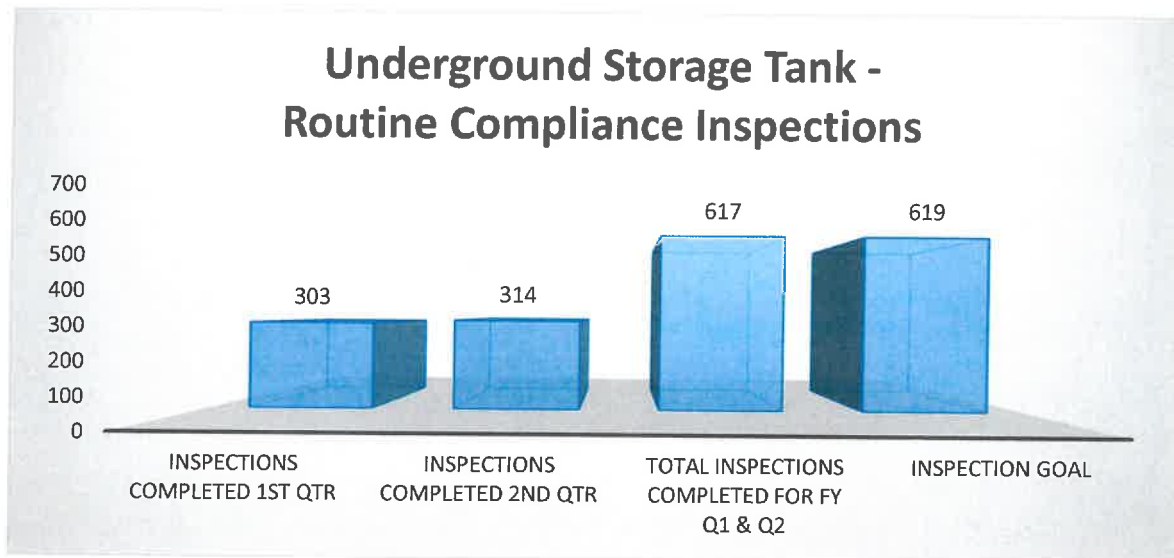
CUPA Permitted Facility Inventory

The following is a summary of the core activities of the LAFD CUPA Program which are inspection and enforcement. The LAFD CUPA permits approximately 8,600 businesses across the City which generates approximately \$7M in revenue and additional revenue from enforcement penalties. The LAFD CUPA also permits 6,300 hazardous waste facilities across the City which also generates an additional \$7M in permit revenue which the LAFD CUPA collects and passes onto the PA. The PA also enforces on businesses within the City and generates enforcement revenue from administrative hearings, district attorney cases and statewide cases which are almost always based on hazardous waste violations compared to the rest of the LAFD CUPA programs.

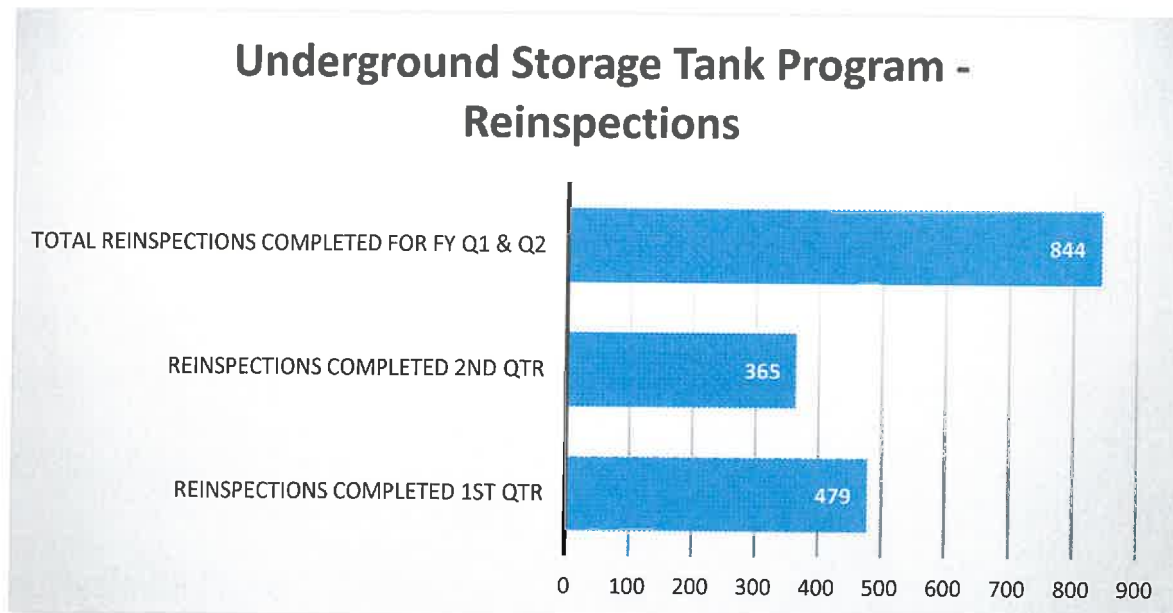


Underground Storage Tank Program (UST)

The inspection activity in the UST Program has continued with the normal momentum that the program consistently delivers. Inspections are scheduled in accordance with tank integrity testing and therefore the schedule is rigid and assists with meeting inspection mandates. The program is also mandated by the State to perform annual compliance inspections which keeps our inspection activity very consistent and predictable.

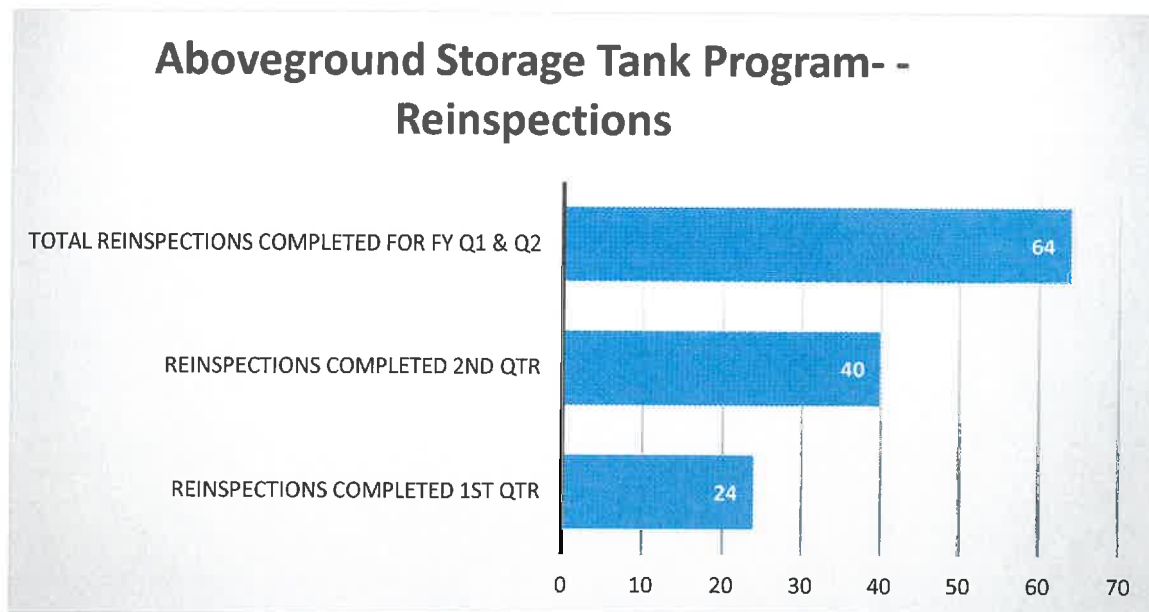
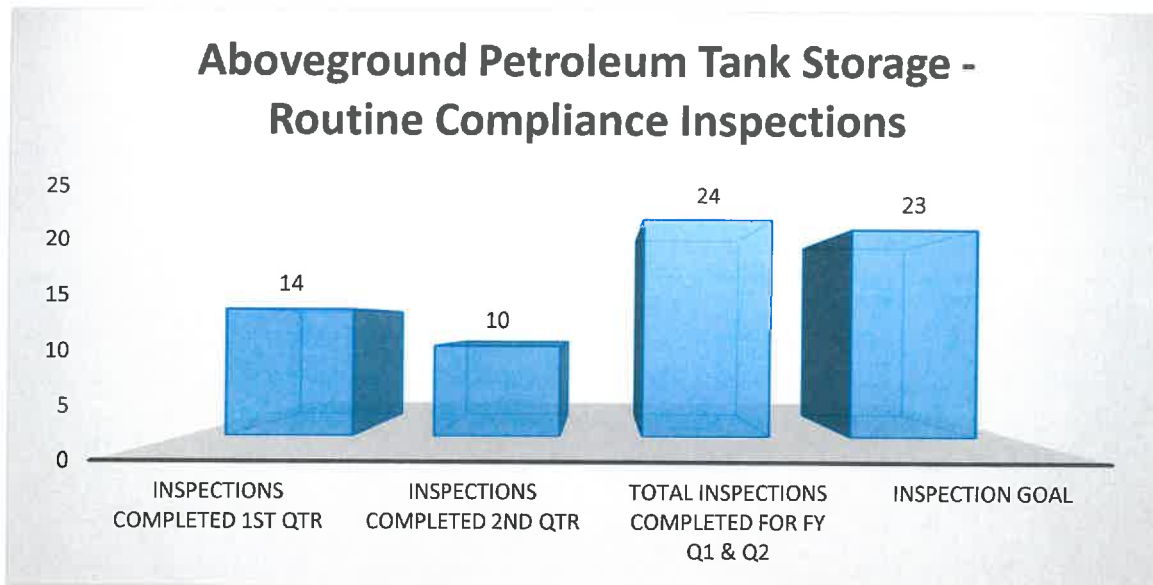


The State Water Resources Control Board is our oversight agency and is very vigilant and maintains a high level of scrutiny over the UST program statewide. Fortunately, LAFD CUPA Inspectors also share the same pride in what we do and maintain a high level of scrutiny over our UST operators. Over this past reporting period the LAFD CUPA Inspectors performed 617 routine compliance inspections and 844 reinspections. These numbers are very impressive for any CUPA.



Aboveground Petroleum Storage Tank Program (APSA)

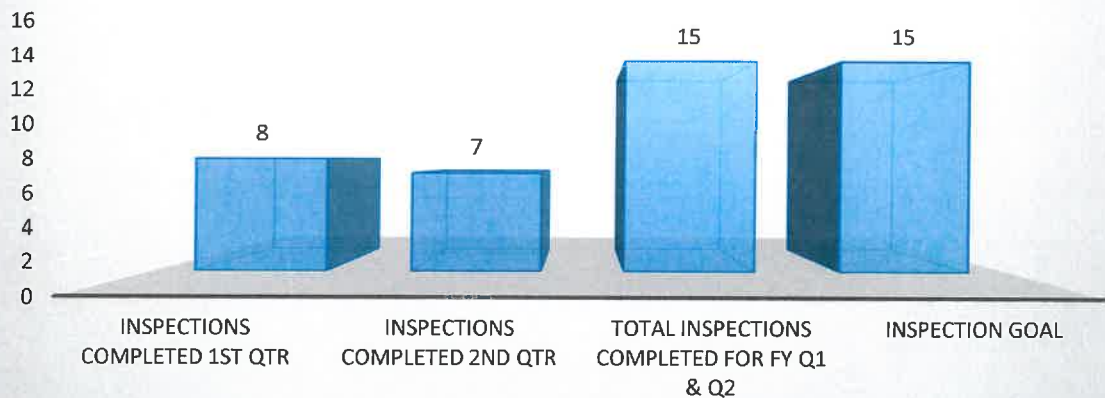
The inspection activity in the APSA Program exceeded their inspection goals. The facilities in this program have a three year inspection mandate. The State recently introduced an amendment which will now require aboveground storage tanks, such as a Jiffy Lube, to be stored below grade to be regulated under this program. This will generate additional revenue and workload which can be absorbed within the program. Program staff have recently developed videos to assist businesses in completing a Spill Prevention, Control and Counter Measure Plan (SPCC). The videos have been posted online within LAFD's Youtube Channel.



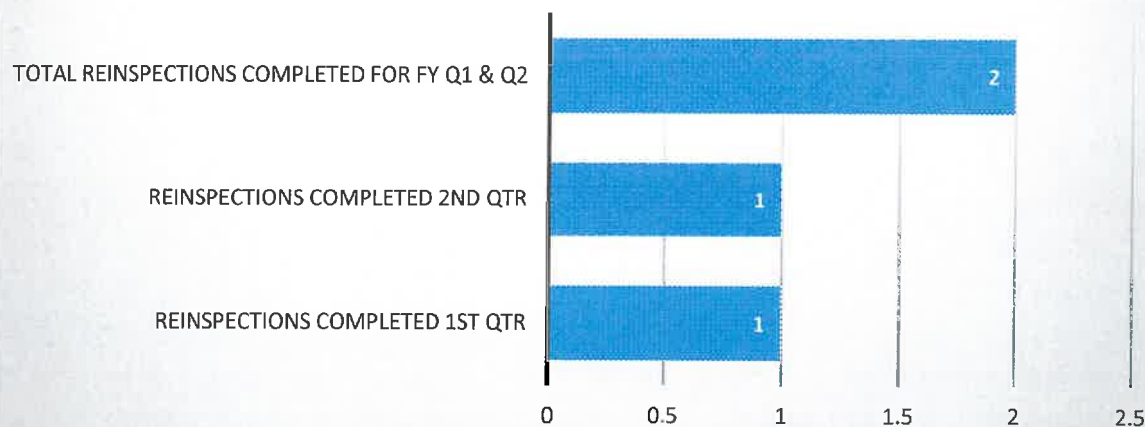
California Accidental Release Prevention Program (CalARP)

The CalARP program also met their three year inspection mandate. In 2017, the program introduced a new level of risk management called Program Level 4 to address the public safety risks associated with petroleum refineries and related explosions and hazardous materials releases that have occurred across the state. New staffing resources have been requested and approved through the budget process to address the additional workload. The program has a new mandate in accordance with Assembly Bill 1646 which requires the emergency response agencies in El Segundo, Torrance, Los Angeles City and Los Angeles County to develop an integrated community alert and notification system for the communities surrounding the refineries.

California Accidental Release Prevention Program - Routine Compliance Inspections

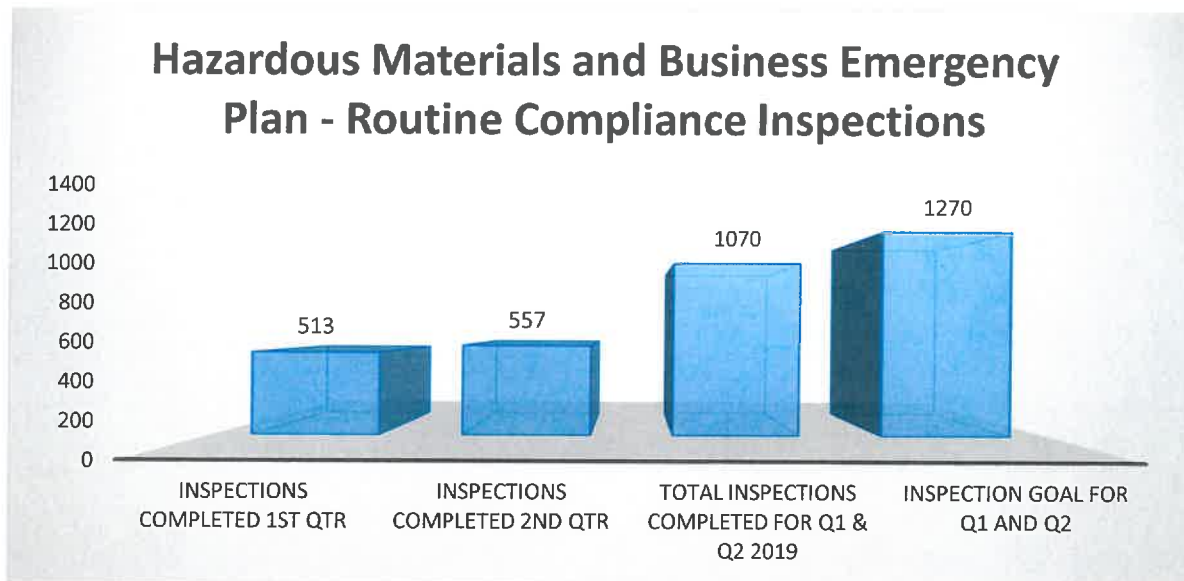


California Accidental Release Prevention Program - Reinspections

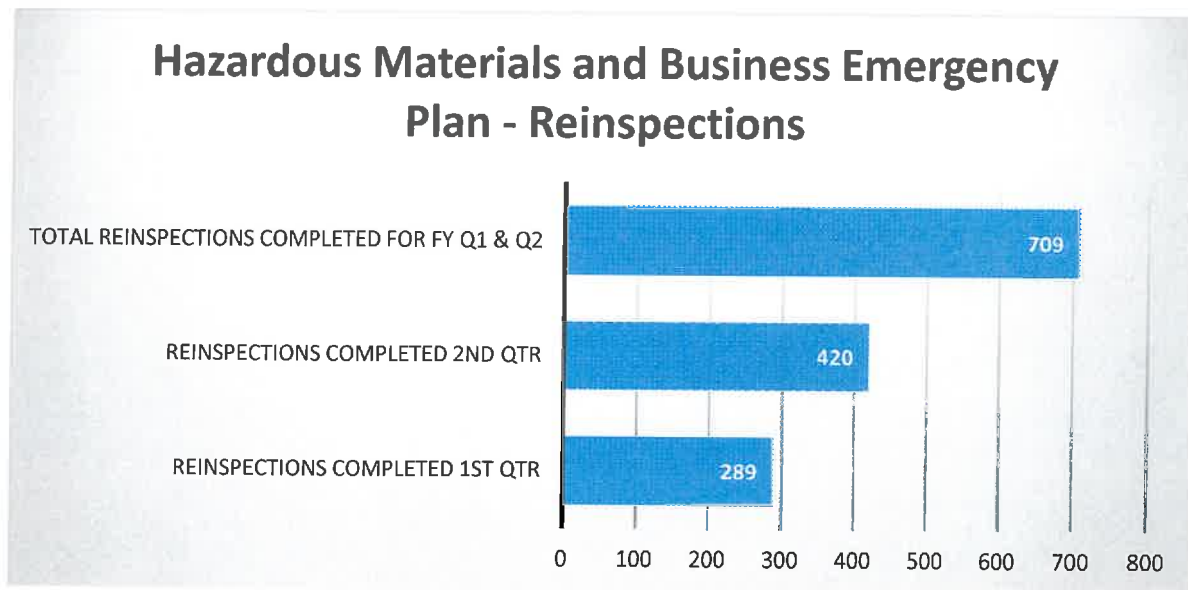


Hazardous Materials and Business Emergency Plan (HMBP) Program

The HMBP program is mandated with a three year inspection mandate which requires at least 1,270 facility inspections are completed each six months assuming the inspections are evenly spread out. Currently, this isn't the case, but efforts are trending quickly in that direction. The inspection activity in the (HMBP) Program for the first and second quarter totaled 1,070 routine inspections and 709 re-inspections. The inspection activity fell under the inspection goal as staff resources were redirected from inspection duties to cover much needed resources in the enforcement and plan check unit as well as evaluation preparation. The shortfall is very recoverable and will be addressed before the next reporting period is finalized.



The HMBP Program across the State struggles with ensuring business submit their hazardous materials inventory in the California Environmental Reporting Systems (CERS) in a timely manner. The LAFD CUPA responded to the challenge by initiating an ordinance change to establish a penalty for businesses who fail to submit their inventory. However, due to a vacancy and a lack of required resources in the Enforcement Unit, the LAFD CUPA is yet to initiate the penalty process, but we expect to begin the process in the coming months.



Enforcement

The following data was extracted from the CERS. During the previous two quarters inspection staff conducted re-inspections and utilized other progressive enforcement options as follows:

<u>Program</u>	<u>Violations Issued</u>
Hazardous Materials	120
Underground Storage Tanks	580
Aboveground Petroleum Storage Tanks	8
California Accidental Release Prevention Program	20

- 6 cases were processed through the administrative enforcement order process and \$40,520 in penalties were collected.
- 5 cases were referred to the City Attorney's office and \$116,318 in penalties were collected.
- 2 cases were referred to the State Water Resources Control Board.

Staffing Levels

The LAFD CUPA staffing levels at the time of writing this report is as follows:

Classification	Assigned Staffing	Actual Staffing	Reason
CUPA Program Manager	1	1	Fully staffed
Fire Captain II	1	1	Fully Staffed
Fire Captain I	0	1	Detail
Principal Admin Clerk	1	0	IOD
Fire Inspector I	15	15	Fully staffed
Fire Inspector II	3	4	Fully staffed + 1 detail
RMPP Specialist	2	2	Fully staffed
Geologist	1	1	Fully staffed
Industrial Hygienist	1	1	Fully staffed
Accounting Clerk	2	2	Fully staffed
Administrative Clerk	7	6	1 Vacancy
Supervising Hazardous Materials Specialist	1	0	Working on Civil Service approval of new Classification
Hazardous Materials Specialist	1	0	Working on Civil Service approval of new Classification
Risk Management Engineer	2	0	Working on Civil Service approval of new Classification
Environmental Technician	1	0	Working on Civil Service approval of new Classification
Totals	38	31	

CONCLUSION

Overall the LAFD CUPA Section is performing above or beyond for the majority of the inspection goals set for the program and is well on track to meet program expectations for the next reporting period. The results of the LAFD CUPA evaluation were very positive in spite of the challenges with PA's implementation of the Hazardous Waste program.

The LAFD CUPA Program continues to gain momentum and strength and is firmly engaged with the rest of the Unified Program statewide. We will continue the

momentum and continue with our goal of making the LAFD CUPA Program the statewide standard.

Board Report prepared by Royce Long, CUPA Manager, CUPA Section, Fire Prevention and Public Safety Bureau.

Attachment



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

Certified Mail: 7015 1730 0001 0036 8958

February 13, 2020

Mr. Royce Long
CUPA Manager
City of Los Angeles Fire Department
Bureau of Fire Prevention and Public Safety
200 North Main Street, Room 1780
Los Angeles, California 90012-4126

Dear Mr. Long:

During October through December, 2019, CalEPA and the state program agencies conducted a performance evaluation of the City of Los Angeles Fire Department Certified Unified Program Agency (CUPA). The CUPA evaluation included a remote assessment of administrative documentation, review of regulated facility file documentation, California Environmental Reporting System data, and oversight inspections.

Upon completion of the evaluation, a preliminary Evaluation Report was developed to identify various findings: program deficiencies with corrective actions, incidental findings with resolutions and program observations and recommendations. The Evaluation Report also includes examples of outstanding Unified Program implementation. Enclosed, please find the final Evaluation Report.

Based upon review and completion of the performance evaluation, CalEPA has rated the CUPA's overall implementation of the Unified Program as Satisfactory with improvements needed.

To demonstrate progress towards the correction of program deficiencies and incidental findings identified in the final Evaluation Report, the CUPA must submit an Evaluation Progress Report within 60 days from the date of this letter (April 13, 2020), and every 90 days thereafter. Evaluation Progress Reports are required to be submitted to CalEPA until all deficiencies and incidental findings identified have been acknowledged as corrected or resolved. Each Evaluation Progress Report must be submitted to Sam Porras at Samuel.Porras@calepa.ca.gov.

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

Mr. Royce Long
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If you have any questions or need further assistance, please contact Sam Porras at (916) 327-9557 or John Paine, Unified Program Manager, at (916) 327-5092.

Sincerely,



Jason Boetzer
Acting Assistant Secretary
Local Program Coordination and Emergency Response

Enclosure

cc sent via email:

Mr. Roy A. Harvey
Assistant Fire Marshal
City of Los Angeles Fire Department
Bureau of Fire Prevention and Public Safety
200 North Main Street, Room 1780
Los Angeles, California 90012-4126

Ms. Kristin M Crowley
Fire Marshal
City of Los Angeles Fire Department
Bureau of Fire Prevention and Public Safety
200 North Main Street, Room 1780
Los Angeles, California 90012-4126

Ms. Annalisa Kihara
Supervising Water Resource Control Engineer
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Ms. Laura Fisher
Senior Environmental Scientist, Supervisor
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Ms. Maria Soria
Program Manager
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Royce Long
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cc sent via email:

Ms. Diana Peebler
Senior Environmental Scientist, Supervisor
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. James Hosler, Chief
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Ms. Jennifer Lorenzo
Senior Environmental Scientist (Supervisor)
CAL FIRE - Office of the State Fire Marshal
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Sacramento, California 94244-2460

Mr. Larry Collins, Chief
California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655-4203

Mr. Jack Harrah
Senior Emergency Services Coordinator
California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655-4203

Mr. Sean Farrow
Environmental Scientist
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Mr. Wesley Franks
Environmental Scientist
State Water Resources Control Board
P.O. Box 2231
Sacramento, California 95812-2231

Mr. Matt McCarron
Senior Environmental Scientist, Specialist
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Royce Long
Page 4

cc sent via email:

Mr. Glenn Warner
Senior Environmental Scientist, Specialist
CAL FIRE - Office of the State Fire Marshal
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Ms. Denise Gibson
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California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655-4203

Mr. John Paine
Unified Program Manager
California Environmental Protection Agency

Ms. Melinda Blum
Senior Environmental Scientist, Supervisor
California Environmental Protection Agency

Mr. Sam Porras
Environmental Scientist
California Environmental Protection Agency

UNIFIED PROGRAM PERFORMANCE EVALUATION FINAL SUMMARY OF FINDINGS REPORT

CUPA: City of Los Angeles Fire Department Bureau of Fire Prevention and Public Safety

Evaluation Period: October 2019 through December 2019

Evaluation Team Members:

- **CalEPA Team Lead:** Marc Lorentzen, Samuel Porras
- **DTSC:** Matthew McCarron, Elizabeth Brega
- **Cal OES:** Denise Gibson
- **State Water Board:** Sean Farrow
- **CAL FIRE-OSFM:** Glenn Warner

This Final Summary of Findings includes:

- Deficiencies requiring correction
- Incidental findings requiring resolution
- 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 CUPA's Unified Program implementation and performance is considered: satisfactory with improvements needed.

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

Samuel Porras
CalEPA Unified Program
P.O. Box 2815
Sacramento, CA 95812
Phone: (916) 327-9557
E-mail: Samuel.Porras@calepa.ca.gov

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

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead and must include a narrative stating the status of each deficiency and incidental finding identified in this Final Summary of Findings Report.

Evaluation Progress Report submittal dates for the first year following the evaluation are:

Update 1: April 13, 2020
Update 3: October 12, 2020

Update 2: July 13, 2020
Update 4: January 22, 2021

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING ACTION

Program deficiencies identify specific aspects regarding inadequate implementation of the Unified Program. The CUPA must complete the corrective action indicated to demonstrate sufficient implementation of the Unified Program as required by regulation or statute.

1. DEFICIENCY:

The CUPA is not ensuring the PA is properly classifying hazardous waste generator (HWG) violations.

In some cases, the CUPA is not ensuring the PA is citing HWG violations as minor violations that are Class I or II violations. Examples include, but are not limited to:

Violation for exceedance of authorized accumulation time incorrectly cited as a minor violation. Maximum accumulation time may not be exceeded without a hazardous waste storage permit or grant of authorization from the Department. An economic benefit is gained by not disposing of waste within the authorized time. This does not meet the definition of minor violation as defined in Health and Safety Code, section 25404(a)(3).

- CERS ID 10255459: X - Tech Auto Collision, inspection on October 24, 2018
- CERS ID 10244608: City of LA - Dept Of General Service, inspection on October 22, 2018
- CERS ID 10679239: Olympic Body Shop, inspection on October 22, 2018
- CERS ID 10680238: Washington Tire & Wheel, inspection on October 22, 2018
- CERS ID 10247143: Omar Auto Repair, inspection on October 20, 2018
- CERS ID 10256578: Hascar Autobody, inspection on October 20, 2018
- CERS ID 10242835: Joe's Auto Service, inspection on October 15, 2018
- CERS ID 10245604: Casa De Cleaners, inspection on October 13, 2018
- CERS ID 10247326: Snow White Cleaners, inspection on October 12, 2018
- CERS ID 10255717: London Auto Car Care, inspection on September 29, 2018
- CERS ID 10241074: Hernan & Norge Cleaners, inspection on September 26, 2018
- CERS ID 10241923: 5201 Century Blvd. Inc, inspection on September 26, 2018
- CERS ID 10254262: El Rey Body Shop, inspection on September 17, 2018

Violation for failure to provide or conduct training for employees incorrectly cited as a minor violation. Since no training had been provided, employees are not familiar with hazardous waste issues and handling as well as how to respond to emergencies. There may have been an economic benefit to the facility by not providing training. This does not meet the definition of minor violation as defined in Health and Safety Code, section 25404 (a)(3).

- CERS ID 10174409: Penske Truck Leasing Co., LP, inspection on June 19, 2019
- CERS ID 10140745: Sears #1018/6038, inspection on October 30, 2018
- CERS ID 10029907: West Los Angeles Service Center, inspection on October 19, 2018
- CERS ID 10029874: West Los Angeles Area ESM, inspection on October 17, 2018
- CERS ID 10249174: Elevator Equipment Corporation, inspection on August 30, 2018
- CERS ID 10769446: Honda of Hollywood, inspection on August 28, 2018

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING ACTION

- CERS ID 10246396: City of LA - Dept of General Service, inspection on August 23, 2018
- CERS ID 10252531: Jiffy Lube #1470, inspection on August 23, 2018
- CERS ID 10160731: Valvoline Instant Oil Change GN0063, inspection on August 21, 2018
- CERS ID 10174357: Penske Truck Leasing Co., LP, inspection on August 16, 2018
- CERS ID 10240729: Downtown LA Motors, inspection on June 11, 2018

Note: The CUPA identified this deficiency when evaluating the PA.

CITATION:

HSC, Chapter 6.5, Sections 25110.8.5, 25117.6
CCR, Title 22, Sections, 66260.10, 66262.34
[DTSC]

CORRECTIVE ACTION:

By Update 1, the CUPA will ensure the PA will train staff on the terms: Minor, Class I, and Class II violations, as described in HSC, Chapter 6.5, Sections 25110.8.5, 25117.6 and CCR, Title 22, Section 66260.10. Also, the CUPA will ensure the PA will review the violation classification video, violation classification guidance, and train personnel on when and how to properly cite hazardous waste violations during routine compliance inspections. The CUPA will obtain proof of training from the PA and provide it to CalEPA.

Violation Classification:

- Violation Classification Training Video 2014
(<https://www.youtube.com/watch?v=RB-5V6RfPH8>)
- Violation Classification Guidance
(<https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/Violation-Classification-Guidance-Documents-accessible.pdf>)

By Update 2, the CUPA will provide CalEPA with a copy of ten (10) inspection reports for facilities cited with hazardous waste violations that were inspected subsequent to the training.

2. DEFICIENCY:

The CUPA is not ensuring the PA is properly processing and authorizing each annual Onsite Hazardous Waste Treatment Notification for Permit by Rule (PBR) facilities with a Fixed Treatment Unit (FTU) within forty-five (45) calendar days of receipt.

During the 45-day review process the CUPA will ensure the PA must either:

- Authorize operation of the FTU or;
- Deny authorization of the FTU in accordance with Permit-by-Rule laws and regulations; or,
- Notify the owner/operator that the notification submittal is inaccurate or incomplete.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING ACTION

CERS data indicates that the CUPA was not ensuring the PA was reviewing PBR Onsite Hazardous Waste Treatment Notifications within 45 days. Examples include, but are not limited to, the following:

- Submittal by Neutrogena Manufacturing (CERS ID: 10454911) on February 27, 2019, accepted by the PA on April 15, 2019, or 2 days exceeding the 45-day review window.
- Submittal by Yolanda's Plating (CERS ID: 10245550) on March 29, 2018, accepted by the PA on November 9, 2018, or 180 days exceeding the 45-day review window.
- Submittal by Accurate Plating Company (CERS ID: 10483699) on March 28, 2018, accepted by the PA on September 12, 2018, or 123 days exceeding the 45-day review window.
- Submittal by Metal-Chem, Inc (CERS ID: 10249462) on March 2, 2018, accepted by the PA on July 23, 2018, or 98 days exceeding the 45-day review window.

Note: The CUPA identified this deficiency when evaluating the PA.

CITATION:

CCR, Title 22, Section 67450.2(b)(4)

CCR, Title 22, Section 67450.3(c)(1)

[DTSC]

CORRECTIVE ACTION:

By Update 1, the CUPA will ensure the PA develops and submits to CalEPA an action plan to ensure that all PBR notifications are reviewed and processed within 45 days.

By Update 2, the CUPA will ensure the PA implements the action plan and trains all inspectors involved in the processing of TP submittals on the plan. The training will include reviewing, processing and authorizing PBR Notifications within 45 days. The CUPA will obtain from the PA and provide to CalEPA documents that show proof of completion of the training course for each inspector.

By Update 2, the CUPA will ensure the PA reviews and processes any and all pending PBR Notifications in CERS and notify CalEPA of their progress.

3. DEFICIENCY:

The CUPA is not ensuring the PA is regulating all facilities subject to the HWG program element.

Although the CUPA's PA recently added many hazardous waste generators that were not previously regulated, they have not identified all HWGs operating within their jurisdiction. The PA has historically implemented various permitting projects to ensure that its regulatory universe is identified and permitted, using various data sources (CERS, HWTS, Envision Connect– Inactive list, etc.), referral systems (city/county business licensing, fire prevention staff, other agencies, etc.), and sweeps by field staff on an ongoing basis to add new HWGs.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**UNIFIED PROGRAM PERFORMANCE EVALUATION
FINAL SUMMARY OF FINDINGS REPORT**

DEFICIENCIES REQUIRING ACTION

DTSC provided the LA City Fire CUPA with a Transporter Quarterly Reports (TQR) list during the evaluation. LA City Fire CUPA sorted the facilities shipping hazardous waste by zip code to ensure that they were within LA City's jurisdiction and cross checked the facilities with their billing and Envision Connect records. LA City CUPA only provided DTSC with 62 of 129 (48%) zip codes that are in LA City. Of the zip codes that LA City provided, there were 898 facilities that may not have been identified as generators by LA County. DTSC reviewed 94 of the 898 facilities (approximately 10%) and determined that 89 of the 94 are likely to be hazardous waste generators. 60 of those 89 do not have inspection records in CERS. This represents 67% of facilities that are not being inspected. If this number were extrapolated to the 898, then 601 hazardous waste generators are not being regulated (again, this only represents 48% of the zip codes evaluated – the number could be much larger).

Note: The CUPA identified this deficiency when evaluating the PA.

CITATION:

HSC, Chapter 6.5, Sections 25101(d)

HSC, Chapter 6.11, Section 25404.2(a)(1)(A)

CCR Title 22, Sections 67450.3(c)

CCR, Title 22, Section 67450.2(b)(4)

CCR, Title 27, Section 15100 (b)(3), and CCR, Title 27, Section 15200(a)(3)(A)
[CalEPA, DTSC]

CORRECTIVE ACTION:

By Update 1, the CUPA will ensure the PA develops, implements and provides the CUPA with an action plan to identify all regulated facilities subject to the HWG program. The action plan will include the development of a spreadsheet to identify all hazardous waste generators within the LA City CUPA's jurisdiction. The spreadsheet shall include (where available) CERS ID, whether the HWG is being regulated as an LA County facility or as a facility being regulated by the PA for LA City, the last inspection date, whether the facility self-identified as a HWG on the CERS business activities page, and any notes deemed informative regarding the facility. The LA County "CUPA Report" (HWTS + TQR data) should be used to identify all HWGs shipping waste in the LA City's jurisdiction. The spreadsheet will not include HWGs that only take waste to a HHW but should be the basis for determining which facilities are not being regulated by the PA. Site visits and aerial photography (e.g., Google Maps) should be used to assist in identifying non-regulated facilities. The CUPA shall provide the action plan to CalEPA.

By Update 2, the CUPA shall provide CalEPA with a spreadsheet of identified facilities not being regulated by the PA.

By Update 3, the CUPA shall provide CalEPA with an updated spreadsheet of inspections conducted by the PA.

By Update 4, the CUPA will ensure the PA has inspected all new HWG facilities that were identified and provide CalEPA with an update of these inspections.

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INCIDENTAL FINDINGS REQUIRING RESOLUTION

Incidental findings identify specific incidents or activities regarding implementation of the Unified Program. Though incidental findings do not rise to the level of program deficiencies or inadequate implementation of the Unified Program, the CUPA must complete the resolution indicated as required by regulation or statute.

1. INCIDENTAL FINDING:

The CUPA is not ensuring the PA is consistently including observations and factual basis for each violation cited on hazardous waste generator (HWG) inspection reports and/or Notices to Comply.

DTSC found inadequate or improper documentation on inspection reports for the following facilities that were cited for violations by the CUPA's PA:

In some cases, the CUPA's PA cited a violation for employees failing to have met all training requirements and did not include observations or factual basis to support the violation. The CUPA's PA observations should include the failure of the facility to provide training to their employees, not a reference to training documentation as training documentation is not required for SQGs. Examples below are all SQGs and include, but are not limited to:

- CERS ID 10591981: (Valley Power Services, Inc.), inspection on November 9, 2018
- CERS ID 10255642: (Nieto's Station), inspection on November 1, 2018
- CERS ID 10256347: (JC Equipment), inspection on November 1, 2018
- CERS ID 10259065: (Astro Auto Wrecking), inspection on October 30, 2018
- CERS ID 10259686: (Kings Hawaiian Bakery West INC), inspection on October 26, 2018
- CERS ID 10600186: (Warren E&P, Inc. - NWU), inspection on September 26, 2018
- CERS ID 10245214: (City of LA - Dept of Recreation and), inspection on August 29, 2018
- CERS ID 10242781: (Echo Fuel), inspection on August 14, 2018
- CERS ID 10251826: (Delgado Bros), inspection on August 13, 2018
- CERS ID 10250857: (Tesoro (USA) 63082), inspection on August 8, 2018
- CERS ID 10260163: (El Cariso Golf Course), inspection on February 16, 2017

CITATION:

HSC, Chapter 6.5, Section 25185(c)(2)(A)
[DTSC]

RESOLUTION:

By Update 1, the CUPA will ensure the PA provides report writing training to each PA inspector to ensure all violations cited on the HWG inspection reports and/or Notices to Comply include observations and factual basis. The CUPA will obtain from the PA and provide CalEPA with training documentation, which at minimum will include an outline of the training conducted and a list of CUPA personnel attending the training to demonstrate that each inspector received training.

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2. INCIDENTAL FINDING:

The CUPA is not ensuring the PA is consistently citing correct hazardous waste generator (HWG) violations in accordance with hazardous waste control law and regulations.

In some cases, the CUPA's PA is requiring small quantity generators (SQGs) to provide documentation of weekly container inspections. Documentation for weekly container inspections is not required. Examples include, but are not limited to:

- CERS ID 10176039: (Dollar Tree #03826), inspection on January 19, 2019
- CERS ID 10244992: (FMC Metals), inspection on November 9, 2018
- CERS ID 10245859: (Super Auto Tech), inspection on September 29, 2018
- CERS ID 10029802: (Hertz Rent-A-Car (1101-15)), inspection on September 28, 2018
- CERS ID 10241278: (LACMTA - Div 10), inspection on September 10, 2018
- CERS ID 10242625: (Dependable Refrigeration INC), inspection on September 10, 2018
- CERS ID 10249069: (MTA (LACMTA) DIV 20), inspection on September 10, 2018
- CERS ID 10245214: (City of LA – Dept of Recreation and), inspection on August 29, 2018
- CERS ID 10247974: (Hollywood Car Carrier Service), inspection on August 20, 2018
- CERS ID 10243054: (Pep Boys #0604), inspection on October 31, 2017

Note: The CUPA identified this incidental finding when evaluating the PA.

CITATION:

CCR, Title 22, Section 66262.34
CFR, Title 40, Section 262.34 now CFR, Title 40, Section 262.16
HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 27, Section 15290(b)
CCR, Title 27, Section 15187(c)
[DTSC]

RESOLUTION:

By Update 1, the CUPA will ensure the PA reviews the hazardous waste generator fact sheets linked below. Additionally, the CUPA will obtain from the PA and provide CalEPA with a narrative document stating that PA inspectors have viewed all of the training material. The narrative document will include a signature from the inspector and the date the training was completed.

Training Material:

- Hazardous Waste Generator Requirements
(https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/06/HWM_FS_Generator_Requirements.pdf)
- Accumulating Hazardous Wastes at Generator Sites
(https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/FS_OAD_Accumulation.pdf)

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By Update 1, the CUPA will ensure the PA reviews the PA's CERS Data Management Procedure (DMP) with all pertinent staff. The CUPA will obtain from the PA and provide CalEPA with documents showing proof of completion of the review. Additionally, the CUPA will ensure the PA has correctly inputted or uploaded all CME data to CERS.

3. INCIDENTAL FINDING:

The CUPA is not ensuring the PA is consistently or correctly reporting all inspection, violation, and enforcement information, also known as CME information, to CERS.

HWG Program:

In some instances, CME information was not entered into CERS. Examples include but are not limited to:

- CERS ID 10248094: Metals Technology INC, inspection on September 12, 2018 is not in CERS.
 - The PA explained that the reason this inspection was not initially identified in CERS is that the facility has two CERS IDs and the inspection on September 12, 2018 was uploaded under CERS ID 1066009. The PA is in the process of merging the two CERS ID numbers.
- CERS ID 10151941: Pacific Plating, inspection on July 15, 2019 is not in CERS.
 - The PA explained there was no routine or follow up inspection conducted at this facility on this date, and their record in Envision Connect that the date referred to an in house record review of Financial Assurance information. However, in the facility files that were provided, this facility had a routine RCRA LQG and PBR inspection report on this date with no violations, contained consent to inspect from the facility and no description of Financial Assurance review.

In some instances, the CUPA's PA uses a "General Use" violation rather than the specific violation from the CERS Violation Library. Examples include, but are not limited to:

- CERS ID 10247158: La County - Cntl Htg/Refrig Plant, inspection on October 11, 2018
- CERS ID 10153147: Orora Visual LLC - Los Angeles, inspection on October 5, 2018
- CERS ID 10241233: Children's Hospital Los Angeles, inspection on October 2, 2018
- CERS ID 10261903: LAUSD - L.A Academy Middle School, inspection on September 26, 2018
- CERS ID 10259602: Cal-Mart Plating Co., inspection on September 12, 2018

In some instances, the CUPA's PA is citing a "General Training" violation when facilities have inactive hazardous waste ID numbers. These are not training related violations. Examples include, but are not limited to:

- CERS ID 10242316: Antiquarian Traders, inspection on May 25, 2017
- CERS ID 10256857: Fletcher Body Shop, INC, inspection on May 12, 2017
- CERS ID 10255300: General Truck Body INC, inspection on April 10, 2017

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CITATION:

HSC, Chapter 6.11, Section 25404(e)(4)
CCR, Title 27, Section 15290(b)
CCR, Title 27, Section 15187(c)
[DTSC]

RESOLUTION:

By Update 1, the CUPA will ensure the PA reviews the PA's CERS Data Management Procedure (DMP) with all pertinent staff. The CUPA will obtain from the PA and provide CalEPA with documents showing proof of completion of the review. Additionally, the CUPA will ensure the PA has correctly inputted or uploaded all CME data to CERS.

4. INCIDENTAL FINDING:

The CUPA is not consistently and correctly reporting Underground Storage Tank (UST) Program violations in the California Environmental Reporting System (CERS).

A review of CERS indicates the CUPA is reporting Fire Code violations utilizing "General" violation numbers which are meant for UST Program violations not found in the CERS UST Program violation library. The CERS Violation library indicates, to use "General" violations, the CUPA "...must include violation description, proper statute and regulation citation in the "comment" section." The CERS UST Violation Library is limited to authorities pursuant to Health and Safety Code, Chapter 6.7 or California Code of Regulation, Title 23, Chapter 16.

Examples of the use of "General" Violation Numbers include the following violations issued as Violation Type Number 2010 or 2015:

- FY 2018/2019, the CUPA reported 54 Fire Code violations
- FY 2017/2018, the CUPA reported 20 Fire Code violations
- CERS ID 10197985 – violation date July 30, 2018 and Violation Type Number 2015. Violation Comment states, "57.109.5. AUTHORITY TO CONDEMN: The Chief shall have the authority to condemn the use of any appliance, device, equipment, system, or material regulated by this article which creates a hazard to life or property or which fails to provide the protection for which it was intended..."
- CERS ID 10239781 – violation date August 8, 2018 and Violation Type Number 2010. Violation Comment states, "OBSERVATION: Emergency shut off switch sign at front of store is faded and barely legible. It is unable to notify people there is an emergency shut off switch located there. CORRECTIVE ACTION: Place a new emergency shut off sign near emergency shut off switch."
- CERS ID 10241386 – violation date October 31, 2018 and Violation Type Number 2015. Violation Comment states, "Observation: Site is missing required smoke detectors. Corrective action: replace batteries and repair/replace fire/smoke detectors in building as per Fire code."

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Note: The examples provided above were identified during the CUPA evaluation and do not represent all instances of this finding.

CITATION:

HSC, Chapter 6.7, Section 25288(b)
HSC, Chapter 6.7, Section 25299
HSC, Chapter 6.7, Section 25299.2(a)
CCR, Title 23, Section 2712(e), and (g)
CCR, Title 23, Section 2713(c) and (d)
CCR, Title 27, Section 15290(a)(3)
[State Water Board]

RESOLUTION:

The CUPA will discontinue reporting Fire Code violations in CERS for the UST Program.

By Update 1, the CUPA will revise applicable policies and procedures to ensure UST inspection personnel correctly report only those violations authorized by Health and Safety Code, Chapter 6.7 or California Code of Regulation, Title 23, Chapter 16. The CUPA will train staff on the revised policy and procedure and begin implementation.

5. INCIDENTAL FINDING:

The CUPA is not consistently collecting, managing and reporting inspection information for the UST Program.

Significant Operational Compliance Report (Report 6), CERS, and CUPA Self-Audit (SA) Reports indicate the CUPA is not consistently collecting, managing and reporting the number of UST inspections conducted. The following are examples:

- FY 2018/2019
 - Report 6 – 1,335 UST inspections
 - CERS – 1,338 UST inspections
 - SA Report – 1,344 UST inspections
- FY 2017/2018
 - Report 6 – 1,125 UST inspections
 - CERS – 1,311 UST inspections
 - SA Report – 1,350 UST inspections
- FY 2016/2017
 - Report 6 – 1,474 UST inspections
 - CERS – 1,424 UST inspections
 - SA Report – 1,490 UST inspections

Report 6 indicates the CUPA did not conduct an annual UST compliance inspection for every regulated UST facility within its jurisdiction in FY 2017/2018. However, utilizing the CUPA's CERS information or the SA Report, inspection numbers indicate the CUPA conducting an annual

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UST compliance inspection for all regulated UST facilities within its jurisdiction. Report 6 indicates the following for FY 2017/2018:

- 1,125 of 1,250 UST facilities inspected (90%)

CITATION:

CCR, Title 23, Section 2713(c)(3)

CCR, Title 27, Section 15185(a)

CCR, Title 27, Section 15290(a)(3)

CCR, Title 27, Section 15290(a)(4)

[State Water Board, CalEPA]

RESOLUTION:

By Update 2, the CUPA will perform a thorough analysis of the Data Management Procedure, or other applicable procedure, and based on the analysis, revise procedures to ensure the CUPA consistently collects, manages and reports inspection information for the UST Program. The CUPA will train staff on the revised policy or procedure and begin implementation.

6. INCIDENTAL FINDING:

The CUPA is not consistently ensuring UST related information in CERS is accurate and complete.

State Water Board review is based on the UST Facility/Tank Data Download report obtained from CERS on September 18, 2019.

Data review indicates the following:

- 14 instances of USTs identified as having unlined single-wall steel tanks when this configuration requires tank lining to be installed
- Nine (9) instances of UST's having single-wall pressurized product pipe with mechanical line leak detectors when this configuration requires electronic line leak detectors to be installed.
- 17 instances of USTs identified as having single-wall steel tanks with corrosion protection listed as only isolation when this configuration requires cathodic protection to be installed
- 29 instances of USTs identified as being installed post July 1, 2004 as having single-wall components such as single-wall product pipe, single-wall pipe/containment sump, and single-wall under dispenser containment sump
- 69 instances of USTs identified as being installed post July 1, 2004 having to conduct periodic secondary containment testing when this configuration does not require periodic secondary containment testing
- Eight (8) instances of USTs identified as being installed post July 1, 2004 having to conduct periodic enhanced leak detection (ELD) testing when this configuration does not require periodic ELD testing to be completed

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Note: The examples provided above were identified during the CUPA evaluation and may not represent all instances of this Incidental Finding.

Note: Please reference the following CERS FAQs: "General Reporting Requirements for USTs"; "When to Issue a UST Operating Permit"; "Common CERS Reporting Errors"; "Setting Accepted Submittal Status"; and "Which Forms Require Uploading to CERS." Please reference State Water Board correspondence dated November 29, 2016, "When to Review Underground Storage Tank Records."

Note: State Water Board expects UST testing and maintenance records to be reviewed as soon as possible, but no later than 30 days after the submittal date. All other records are to be reviewed for completeness and accuracy, though not necessarily verified in the field, as soon as possible, but no later than 60 days after the submittal date. Please refer to CERS FAQ When to Review Underground Storage Tank (UST) Records.

CITATION:

HSC, Chapter 6.7, Section 25286
HSC, Chapter 6.7, Section 25288(a)
HSC, Chapter 6.7, Section 25290.1
CCR, Title 23, Section 2634(d)(2)
CCR, Title 23, Section 2641(g) and (h)
CCR, Title 23, Section 2637
CCR, Title 23, Section 2662
CCR, Title 23, Section 2666
[State Water Board]

RESOLUTION:

By Update 2, the CUPA will revise and provide CalEPA with the Data Management Procedure, or other applicable procedure, to ensure the CUPA accepts accurate and complete UST information in CERS.

The procedure will delineate the process for managing CERS UST submittals including and not limited to:

- A process for reviewing and not accepting CERS submittals; AND
- A process for reviewing and accepting only accurate and complete CERS submittals; OR
- A process for reviewing and accepting submittals with minor errors:
 - A condition is set in CERS requiring the submittal to be corrected and resubmitted within a certain timeframe;
 - If the submittal is not corrected, personnel will change the submittal status from "accept" to "not accept."

By Update 3 the CUPA will, if necessary, amend the procedure, based on feedback from State Water Board and will submit the revisions to CalEPA.

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By Update 4, the CUPA will train personnel on the revised plan or procedure and provide training documentation to CalEPA. Training documentation will include, and not be limited to an outline of the training conducted and a list of personnel attending training. Once training is complete, the CUPA will implement the new plan or procedure.

With respect to submittals already accepted in CERS, the CUPA will review UST related information and require accurate and complete submittals when the next submittal is made, but no later than the next annual UST facility compliance inspection.

7. INCIDENTAL FINDING:

The CUPA's Permitting and Red Tag Procedures have inaccurate or incomplete information.

Permitting Procedure

- Page 1, Item (a)1 and Page 2, Item (a)4 conflict with each other.
 - (a)1 Indicates a facility that is requesting an initial permit, will complete and submit Unified Program Consolidated Forms (UPCFs) to the CUPA. However, (a)4 indicates facility forms must be submitted to CERS. The information contained in the UPCFs is required to be submitted to CERS, not the CUPA. Revision is necessary as the CUPA cannot require owners/operators to provide information on paper forms (UPCFs) which owners/operators are required to report to CERS.
- Page 2, Item (b) conflicts with Health and Safety Code.
 - Section (b)(a) indicates a "Facility must not have uncorrected violations and be in formal enforcement procedures" in order to renew a UST permit to operate. Recent amendments to Section 25285 of the California Health and Safety Code does not require violations to be corrected in order to issue a UST permit to operate. Revision is necessary in order for the permitting procedure to be consistent with the current Health and Safety Code.

Red Tag Procedure

- Page 1, Section 1 code citation reference
 - Health and Safety Code reference of Section 25283(a)(1) needs revision. The more appropriate reference should be 25283(a).
 - Health and Safety Code reference of Section 25281(c)(3) needs revision. The more appropriate reference should be 25281(d)(3).

CITATION:

HSC, Chapter 6.7, Section 25285(b)

HSC, Chapter 6.7, Section 25295.3(a)(2)(A) and (c)(1)(C)

[State Water Board]

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RESOLUTION:

By Update 2, the CUPA will review, revise, and provide CalEPA with a copy of the revised Consolidated Permit Plan and Enforcement Plan addressing recent amendments to Health and Safety Code, Chapter 6.7 which became effective January 1, 2019.

8. INCIDENTAL FINDING:

The CUPA's Inspection and Enforcement (I&E) Plan has inaccurate or incomplete information or is missing required components.

The following information in the plan is incomplete:

- Provisions for ensuring sampling capability and analysis performed by a state certified laboratory.

CITATION:

CCR, Title 27, Section 15200(a)(14)
[CalEPA, DTSC]

RESOLUTION:

The incidental finding was resolved during evaluation. No further action required.

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OBSERVATIONS AND RECOMMENDATIONS

Observations and recommendations identify areas of Unified Program implementation that could be improved and provide suggestions for improvement. Though the CUPA is not required by regulation or statute to apply the recommendations provided, the CUPA would benefit in applying the recommendations provided to improve the overall implementation of the Unified Program.

1. OBSERVATION:

The LAFD CUPA webpage <https://www.lafd.org/fire-prevention/cupa> contains various resources and information for the regulated community and public.

The APSA and Compliance Assistance sections of the CUPA webpage cannot be accessed and display only an 'Access Denied' message.

The Public Records portion of the CUPA webpage contains a list of 559 facilities with aboveground petroleum storage tanks considered as active CUPA regulated facilities. When compared to the CUPA's database which identifies 574 APSA facilities, the webpage list of active regulated facilities includes 23 facilities not identified as APSA facilities in the CUPA's database, and does not include 38 facilities identified as APSA facilities in the CUPA's database.

The Public Records portion of the CUPA webpage contains a list of 104 facilities with aboveground petroleum storage tanks considered as inactive CUPA regulated facilities. When compared to the CUPA's database which identifies 574 APSA facilities, the webpage list of inactive facilities includes 6 facilities identified as APSA facilities in the CUPA's database.

RECOMMENDATION:

Update the CUPA website. OSFM acknowledges the CUPA's prompt implementation of this recommendation during the evaluation.

2. OBSERVATION:

Based on a review of facility files, CERS CME data, and CUPA-provided spreadsheet files, OSFM found the following:

- CERS identifies approximately 579 facilities as APSA applicable. However, the CUPA's database identifies about 574 APSA facilities.
- OSFM estimates that approximately 567 APSA facilities are in both the CERS and CUPA databases. However, about 100 CUPA designated APSA facilities currently have their CERS reporting requirement set as APSA Not-Applicable, and about 121 CERS facilities currently have their reporting requirement set as APSA Applicable, but are not designated as APSA facilities in the CUPA database.
- While the CUPA has performed some reconciliation work, the completion of the reconciliation of the CUPA's database to CERS for APSA program information is needed to ensure that all APSA regulated facilities are included in both systems.
- Approximately 10 of 106 (9%) CUPA designated APSA facilities storing 10,000 gallons or more of petroleum do not have an APSA inspection recorded in CERS.

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OBSERVATIONS AND RECOMMENDATIONS

RECOMMENDATION:

Complete the APSA facility reconciliation process between CERS and the CUPA's database, so that all APSA facilities are being regulated. OSFM acknowledges the CUPA's prompt implementation of this recommendation during the evaluation.

3. OBSERVATION:

The AST storage capacity thresholds in the SPCC rule include all federally regulated oils, not just petroleum. The CUPA's inspection checklist used at APSA regulated facilities incorrectly identifies the AST oil storage capacity thresholds related to the SPCC rule terms Tier I qualified facilities, Tier II qualified facilities and professional engineer (PE)-certified SPCC Plan facilities (non-qualified facilities) as being exclusive to petroleum storage.

This error has resulted in the utilization of checklists not applicable to the tank facility being inspected. For example, the Tier I qualified facility inspection checklist was utilized at the sites below instead of the full checklist for PE-certified SPCC Plan facilities:

CERS ID 10241917: inspections performed February 23, 2018 and April 15, 2019.

CERS ID 10029877: inspection performed February 11, 2019.

RECOMMENDATION:

Continue to utilize comprehensive APSA inspection checklists and ensure the checklist used is applicable to the tank facility being inspected. The CUPA may obtain the most current APSA checklists from the APSA TAG or download the checklist from the CalCUPA Forum website.

The CUPA should train staff that the program element code 3003 in its Envision Connect database does not automatically mean the facility is considered a qualified facility per the SPCC rule. Some facilities that store less than 10,000 gallons of APSA regulated petroleum may store sufficient additional quantity of oil and not meet the qualified facility criteria, in which case a PE-certified SPCC Plan is required. OSFM acknowledges the CUPA's prompt implementation of this recommendation during the evaluation.

4. OBSERVATION:

State Water Board review of the CUPA's Standard Operating Procedure – UST 1A *LAFD Underground Storage Tank Inspection Policy* (SOP), finds language indicating staff are to review testing and leak detection documents (documents) within 30-days of receipt and attaching documents to the corresponding Envision Connect record for records maintenance. Language also requires staff to create a record in "Daily Time and Activities" page of Envision Connect noting review, failures, etc. for the review of received documents. However, the CUPA's SOP is not clear on when to record an inspection and citing a violation for failure to submit required documents to the CUPA for records maintenance.

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OBSERVATIONS AND RECOMMENDATIONS

State Water Board review of CERS CME, finds inspectors are reporting violations for the failure to provide testing and leak detection documents within the required time frames. While the CUPA's SOP may not be clear in regards reporting these violations, CERS indicates staff have increased the reporting of these types of violations during the last three (3) FYs.

RECOMMENDATION:

Revise the CUPA's SOP to include language for reviewing and citing violations in CERS for the failure to submit required documents.

5. OBSERVATION:

State Water Board review of the CUPA's UST closure letter, which is provided to UST owner(s)/operator(s) after removal of a UST/UST system, finds the language of the letter acceptable. The content of the letter indicates the CUPA is satisfied with UST closure activities at a given site which is in accordance with regulation requirements. While the content of the letter is acceptable, it could use some revision, referencing code citations. The inclusion of code citations helps to clearly indicate the CUPA's satisfaction that UST closure activities were completed in accordance with statute and regulations.

RECOMMENDATION:

During the evaluation process, the CUPA provided a revised/sample UST Closure Letter. Review of the revised/sample UST Closure Letter finds the CUPA incorporating the following language: "California Health & Safety Code, Chapter 6.7, Section 25298(c) and California Code of Regulations, Title 23, Chapter 16, Section 2672." State Water Board encourages the CUPA to utilize the revised/sample UST Closure Letter with the next UST closure and for future closures.

6. OBSERVATION:

State Water Board review of accepted CERS UST submittals finds 28%, or 773 out of 2,723 instances where the CUPA takes 61 days or greater from the date of submission to accept CERS UST submittals.

State Water Board Correspondence *When to Review Underground Storage Tank (UST) Records* dated November 29, 2016, requires CUPAs to review the documents including CERS submittals, for completeness and accuracy no later than 60 days after the submittal date.

RECOMMENDATION:

Review State Water Board Correspondence *When to Review Underground Storage Tank (UST) Records* and develop a plan to review the documents including CERS UST submittals for completeness and accuracy no later than 60 days after the submittal date.

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OBSERVATIONS AND RECOMMENDATIONS

7. OBSERVATION:

State Water Board review of CERS finds that there are numerous USTs/UST systems in the CUPA's jurisdiction which may need to be permanently closed in accordance with Health and Safety Code (HSC), Chapter 6.7, Section 25292.05 by December 31, 2025.

Note: USEPA and the State Water Board now fund two full-time contractors to specifically assist single-walled tank owner/operators. By encouraging UST owners to remove and replace single-walled tanks and piping well in advance of California's December 2025 deadline, we all hope to prevent contractor shortages, unmanageable permitting workloads and UST abandonment come 2025.

RECOMMENDATION:

Continue to provide verbal reminders to UST facility owner/operators and consider providing written notification of the requirements for permanent closure of single-wall USTs no later than December 31, 2025. The notification should inform the facility owner/operators that, to stay in compliance with the law and avoid fines, owner/operators must replace or remove their single-wall USTs by the deadline date. Additional information can be found the [Single-Walled UST closure requirements](http://waterboards.ca.gov/water_issues/programs/ust/single_walled/) page (http://waterboards.ca.gov/water_issues/programs/ust/single_walled/).

The facility owner/operators should be notified that Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program grants and loans are available to assist eligible small businesses with the costs necessary to remove, replace, or upgrade project tanks. Additional information on funding sources, can be found on the [RUST](http://www.waterboards.ca.gov/water_issues/programs/ustcf/rust.shtml) website (http://www.waterboards.ca.gov/water_issues/programs/ustcf/rust.shtml).

8. OBSERVATION:

State Water Board review of CERS submittals finds several instances where an owner/operator incorrectly identifies the UST Program as "Applicable" for Unified Program regulated facilities. The following are examples:

- CERS ID 10252117: CUPA confirms "This is a non-reportable location. No UST's at the location."
- CERS ID 10822372: CUPA confirms "UST changed to not applicable. No tanks at the location."
- CERS ID 10245700: CUPA confirms "This is a non-reportable location. No UST's at the location."

Note: State Water Board provided CUPA with a list of 12 CERS ID numbers regarding the UST Program "Applicable" status. The CUPA confirmed the status of all 12 CERS IDs, provided responses for each, and made necessary revisions in CERS.

RECOMMENDATION:

Develop and implement policies and/or procedures, for reviewing CERS submittals on a quarterly basis to ensure owners/operators correctly indicate applicable programs for regulated facilities.

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OBSERVATIONS AND RECOMMENDATIONS

9. OBSERVATION:

On January 15 and 16, 2020, DTSC staff observed the PA, Los Angeles County Fire Health HazMat Department conduct two hazardous waste inspections.

The January 15, 2020 inspection was conducted at (CERS ID: 10153625) 3M Corporation. This facility was large quantity generator and had a Conditionally Authorized Permit for the treatment of waste. The inspector prepared for the inspection by reviewing previous inspection reports, HWTS and CERS. Upon arrival, it was ascertained that the facility had been closed since December of 2018. The facility had not provided the required closure information into CERS. The inspector was thorough as he tried to contact the company for assistance, took photographs around the site and located a neighboring contact to allow him into the building the next week. In preparation for the inspection the inspector noticed that the FR standby letter of credit to cover closure cost had expired in April of 2018. The inspector also identified prior to the site visit that the materials inventory had not been updated since 2018.

The January 16, 2020 inspection was conducted at (CERS ID: 10151873) Photo Fabricators Inc. This facility is a large quantity generator (LQG) and has a permit-by-rule (PBR) for the treatment of waste. The facility is a printed circuit board manufacturer and conducts plating and masking operations. The inspector was well prepared for the inspection and asked for consent. The inspector conducted a thorough walk through of the process area, waste storage areas and the three treatment units. The inspector requested and reviewed all required documents including training, operating instructions, treatment logs, waste analysis plan, tank assessments, financial responsibility, cost estimates, and manifests. The inspector noted several violations during the inspection, including the treatment tanks needed a hazardous waste label and one hazardous waste drum exceeded its accumulation time limit.

RECOMMENDATION:

The PA should periodically review CERS for indications that a facility may have closed without notification. These may include no updated CERS submittals, billing returns or HWTS indicating no waste being manifested offsite.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

Examples of outstanding program implementation highlight efforts and activities of the CUPA that are considered above and beyond the standard expectations for implementation of the Unified Program.

1. PEAC (PALMTOP EMERGENCY ACTION FOR CHEMICALS) HAZMAT RESPONDER SOFTWARE:

LAFD CUPA is receiving an outstanding for their accomplishments with the PEAC software rollout and integration with CERS hazardous materials data. The CUPA is the first in the State to have their CERS hazardous materials inventory merged into software that can be used by Fire Department HAZMAT Squads and their Joint Hazard Assessment Team. The CUPA made this possible through collaboration with the PEAC software vender (Aristatek) which has ultimately resulted in emergency first responders having reliable up to date hazardous materials information that enables them to make critical decisions that save lives and protect the environment. This has effectively bridged the gap between the HMBP data collection responsibilities of the CUPA and informational needs of the local first responders. It is important to note that the LAFD CUPA wasn't content with information sharing alone, rather they have extended their expertise to the HAZMAT firefighting personnel by providing PEAC software familiarization through hands on training. The work LAFD CUPA has put into demonstrating the ways in which CUPA's are an asset to local and State agencies has resulted in a strong mutually beneficial relationship with the local Joint Hazardous Assessment Team (JHAT). JHAT works closely with local law enforcement, FBI, ATF, State Agencies, and now LAFD CUPA to mitigate hazardous chemical releases that pose a threat to the public and environment. LAFD CUPA is an outstanding example of how CUPA's can become embedded with other local agencies by demonstrating the value they bring beyond compliance and enforcement.

2. UNMANNED AERIAL SURVEILLANCE:

LAFD CUPA has embarked on an ambitious program to incorporate drone technology into their hazardous materials investigation and enforcement program. In 2018 the LAFD made bold moves into an unmanned aerial surveillance program which incorporated drone technology to identify high fire hazard areas. During this time the CUPA program completed initial research to determine how the technology could also assist the CUPA with their mission of environmental protection. One of the key environmental issues in Los Angeles is fugitive emissions of hazardous materials from industry as well as natural sources due to its unique location to be situated directly on top of an oil and gas basin. A major drone vendor recently partnered up with the LAFD CUPA to develop and pilot new hazmat sensors that utilize laser technology to accurately identify hazardous materials releases. The CUPA will utilize this new technology in responding to environmental hazards and plan to provide a presentation of the study at the 2020 CUPA Conference. This new program will be a first for any CUPA in the State.

3. AB 1646 – REFINERY COMMUNITY ALERT AND NOTIFICATION:

Cal OES also recognizes the CUPA's exemplary implementation of AB1646 which mandates the CUPA to establish a community alert and notification system for communities surrounding a petroleum refinery. Since 2017 LAFD has been the lead CUPA amongst four other adjoining

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

jurisdictions that also have petroleum refineries to develop an integrated alert and notification system in the event of a hazardous materials release. To date the CUPA has developed an implementation plan and budget and worked closely with all refineries and first responders to develop an integrated alerting system that has the ability to automatically alert a community and any impacted neighboring jurisdiction. The CUPA established a cross jurisdictional steering committee and an integration workgroup. The CUPA worked hard with the vendor to develop an integrated group license to allow the integration to move forward. The automated system will dramatically reduce notification times which in turns provides the community with information they need to protect themselves from a hazardous materials release.

4. CERS HMBP SUBMITTAL REMINDER PROCESS:

LAFD CUPA has implemented a proactive process that supports their regulated business community in maintaining compliance with the requirement to make annual CERS HMBP submittals. The process starts with regulated facilities being provided the Annual CERS Submittal Reminder email. CUPA staff then monitor facility compliance in CERS, and provide non-compliant facilities with additional courtesy email reminders, or in some cases personal phone calls. After the courtesy reminder time-period concludes, non-compliant facilities are targeted with further enforcement actions as appropriate.
