

LOS ANGELES FIRE DEPARTMENT



BRIAN L. CUMMINGS
FIRE CHIEF

July 2, 2012

BOARD OF FIRE COMMISSIONERS
FILE NO. 12-098 R

TO: Board of Fire Commissioners
FROM: Brian Cummings, Fire Chief
SUBJECT: CERTIFIED UNIFIED PROGRAM

FOR INFORMATION ONLY:	<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 Withdrawn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

For Information Only

The California Environmental Protection Agency (CalEPA), along with 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 of Los Angeles Fire Department's Certified Unified Program Agency (CUPA) on July 18-21, 2011.

The evaluation is mandated by the Health and Safety Code, Chapter 6.1 1, to be conducted at least once every three years, in order to verify the Certified Unified Program Agency's implementation of the Unified Program (UP).

Attached, for your review, is a status update requested by the Board in the June 19th Meeting. The attached is:

1. A 25-page matrix from the evaluation team that summarizes program deficiencies, LAFD response, and status of the deficiencies.

Board report prepared by Hani Malki, Risk Management Prevention Program Manager, Bureau of Fire Prevention and Public Safety.

Attachment

Cal/EPA Evaluation Summary of Findings - Status Update

Corrected Deficiencies: 6, 20, 22

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
1	<p>The CUPA is not adequately implementing its fee accountability program, which is impacting the CUPA's ability to administer the unified program (UP) in the City of Los Angeles.</p> <p>A combination of events and actions are collectively the cause of this situation. The CUPA's operations are deficient in the following areas:</p> <ul style="list-style-type: none"> Single fees collected and earmarked solely for UP related activities are being inappropriately used to fund personnel and other related expenses for non-UP work activities. Cal/EPA and the SWRCB have discovered that a CUPA inspector has been reassigned from underground storage tank (UST) plan check activities to the fire department's non-UP related Regulation Four Unit that handles suppression and sprinkler systems. The inspector's position remains fully funded by the CUPA's single fee revenues. <p>Using the UP fee revenues to fund work activities that are not part of the scope of the UP is not allowed by statute. Pursuant to state law, the UP single fee revenues are required to be used for the sole purpose of funding the necessary and reasonable costs incurred by the CUPA in their administration of the UP in the City of Los Angeles.</p>	<p>Effective immediately, CUPA single fees collected will no longer be used to fund any non-UP related personnel or activities.</p> <p>By January 21, 2012, the CUPA will ensure that UP funds used for non-UP activities are returned to Los Angeles City Fire Department's CUPA. The CUPA will submit, to Cal/EPA, documentation of the UP funds return.</p> <p>By January 21, 2012, the CUPA will assess its resource needs based on the number of businesses it regulates and report its finding in the first progress report to Cal/EPA.</p> <p>By April 21, 2012, the CUPA will, in coordination with the Los Angeles City Council, develop a fee accountability program that will more adequately address the CUPA's resource needs.</p> <p>The CUPA will submit requested</p>	<ul style="list-style-type: none"> LAFD submitted spreadsheet showing cost of program and revenues received in order to demonstrate that CUPA funds were not used for non-UP activities. LAFD submitted a draft copy of the Fee Accountability Program. 	<ul style="list-style-type: none"> Pending Cal/EPA response Pending Cal/EPA response

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
	<ul style="list-style-type: none"> • Cal/EPA has discovered that the CUPA's fee accountability program is insufficient to acquire and maintain the necessary resources to regulate approximately 9500 businesses. The fee accountability program also fails to address the additional resources necessary for the aboveground petroleum storage tank (AST) program. Insufficient resource allocation has impacted the CUPA in the following ways: <ul style="list-style-type: none"> ▫ incomplete inspections ▫ incomplete unified program consolidated forms (UPCF) ▫ current business plans/three-year review certifications have not been collected and properly reviewed ▫ current chemical inventories/inventory certifications have not been collected and properly reviewed ▫ inaccurate Annual Summary Reports ▫ inaccurate Semi-Annual UST Report 6 <p>HSC, Chapter 6.11, Section 25404.5 (c) (Cal/EPA, SWRCB) CCR, Title 27, Section 15220 (a)</p>	<p>documentation to Cal/EPA verifying progress toward acquiring additional resources along with quarterly progress reports.</p> <p>By July 1, 2012, the CUPA will have begun following its new fee accountability program that more adequately addresses the CUPA's resource needs.</p>		

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
2	<p>In some cases, the CUPA is not following-up and/or documenting return to compliance (RTC) for businesses cited for violations in notices to comply, notices of violation (NOV) and inspection reports.</p> <ul style="list-style-type: none"> According to the fiscal year (FY) 2008/2009 "NOV tracking sheet," 46 out of 96 businesses that received a NOV have not RTC. According to the "Violation Notices Tracking Sheet July 1 – December 31, 2010," none of the 94 businesses that received a NOV have RTC certifications. <p>HSC, Chapter 6.11, Section 25404.1.2 (c) (Cal/EPA, DTSC) CCR, Title 27, Section 15200 (a) CCR, Title 27, Section 15185 (a)(c)</p>	<p>Effective immediately, the CUPA will regularly document enforcement activities (enforcement letters, re-inspection reports, phone calls, RTC certifications) using Microsoft Excel until the CUPA's database is upgraded to Envision Connect.</p> <p>By October 21, 2011, the CUPA will develop a list of all businesses with ongoing violations and submit the list to Cal/EPA.</p> <p>The CUPA will submit requested documentation to Cal/EPA verifying that follow-up actions are taking place along with quarterly progress reports.</p> <p>By July 21, 2012, the CUPA will have followed-up with all the businesses on the list and provide requested documentation to Cal/EPA.</p>	<ul style="list-style-type: none"> Provided Cal/EPA with spreadsheet to document enforcement action. LAFD is in the process of developing Administrative Enforcement Order. 	<ul style="list-style-type: none"> Pending Cal/EPA response. Request to develop AEO was approved by Fire Commission in June 2012.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
3	<p>The CUPA is not fully implementing its Inspection and Enforcement (I and E) Plan. In many cases, CUPA inspectors are not completing an inspection report after each inspection and leaving a copy with the facility operator. Cal/EPA, Cal EMA, and the SWRCB have observed that many facility files did not contain current inspection reports.</p> <p>CCR, Title 27, Section 15200 (a) (Cal/EPA, Cal EMA, SWRCB)</p>	<p>Effective immediately, the CUPA will document all inspections using an inspection report for each program element.</p> <p>By October 21, 2011, the CUPA will submit inspection report templates for the hazardous materials release response plan (HMRRP), AST, and UST programs to Cal/EPA.</p> <p>By July 21, 2012, the CUPA will provide a list of facilities that were inspected during FY 2011/2012. Cal/EPA will review the list and will request copies of inspection reports from the list.</p>	<ul style="list-style-type: none"> • LAFD submitted its HMRRP and CalARP checklists. • LAFD submitted UST Checklist. • Draft ASPA inspection checklist was submitted. 	<ul style="list-style-type: none"> • Cal/EPA accepted checklists. • Cal/EPA questioned line leak detectors for pressurized systems. LAFD responded to the question and is awaiting Cal/EPA response. • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
4	<p>The CUPA's Participating Agency (PA), the Los Angeles County Fire Department, is not meeting its scheduled inspection frequency for the Resource Conservation and Recovery Act (RCRA) large quantity generators (LQGs), as depicted in the CUPA's I and E Plan and the mandated frequency for the tiered permitting (TP) program.</p> <ul style="list-style-type: none"> A list of 1524 LQGs and/or TP facilities provided by the CUPA (LA County Participating Agency (PA)) on May 10, 2011, for DTSC's selection of the hazardous waste generator oversight inspection indicated that 1387 facilities had not been inspected over the last three years. The PA did not inspect 25 out of 164 TP Facilities (15%), and 18 out of 120 RCRA LQGs (15%) within the last three years. Ten (10) of the 25 TP facilities (40%) were inspected over four years ago and one facility was inspected over five years ago. Fourteen (14) of the 18 RCRA LQGs were inspected over four years ago and 10 facilities were inspected over five years ago. <p>HSC, Chapter 6.5, Section 25201.4 (b) (DTSC)</p>	<p>By July 21, 2012, the CUPA will ensure that its PA has inspected all RCRA LQGs and TP facilities that have not been inspected in the past three years.</p> <p>Please submit a quarterly progress report to Cal/EPA to provide an update on the number of RCRA LQG and TP facilities inspected.</p>	<ul style="list-style-type: none"> Los Angeles County Fire Department (PA) submitted document showing inspections were completed. 	<ul style="list-style-type: none"> Pending CalEPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
5	<p>The CUPA's PA has not fully developed and implemented the hazardous waste generator (HWG) and TP program. Based on the file review, it appears that administrative reviews of the TP notifications are not done accurately. In addition, technical reviews are not verified accurately during the inspections. The following are instances observed by DTSC where the TP program was not implemented accurately:</p> <ul style="list-style-type: none"> • California Electroplating Inc. (Commerce Office) inspected on 7/28/08 shows cyanide and chrome treatment listed as one permit-by-rule (PBR) unit. (Cyanide and chrome treatment must be under separate units.) • Barry Avenue Plating (Culver City Office) inspected on 6/21/11 shows cyanide and chrome treatment listed as one PBR unit. • The Bumper Shop inspected on 10/21/09 shows both PBR and a conditionally exempt small quantity treatment unit (CESQT). (Facility with CESQT is not eligible to treat waste in any other tier.) • Stutzman Plating, Inc. (Culver City Office) inspected on 11/7/07 shows one PBR unit for evaporation of cyanide and other wastes. (Evaporation of cyanide waste is not eligible under PBR.) • Highland Plating Company (Culver City Office) inspected on 10/23/09 shows cyanide and chrome treatment listed as one PBR unit. (Cyanide and chrome treatment must be under separate units.) 	<p>By October 21, 2011, the CUPA, in coordination with their PA, will develop and implement a plan to fully develop and implement the HWG and TP program. In the plan, the PA will identify their corrective actions to be taken to address the instances cited by DTSC under this deficiency.</p> <p>By January 21, 2012, the CUPA will ensure that its PA follows-up with all facilities that treat aqueous waste containing cyanide, chrome, CEQST treatment facilities and corrects their treatment authorizations, as necessary.</p> <p>By January 21, 2012, the CUPA will ensure that its PA provides HWG and TP training to its staff, which will include but not be limited to, basic HWG training, tiered permitting of cyanide and chrome and multiple units involving hazardous waste.</p> <p>The CUPA will provide documentation of the trainings by</p>	<ul style="list-style-type: none"> • Los Angeles County Fire Department submitted requested documentation. 	<ul style="list-style-type: none"> • Pending CalEPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

<ul style="list-style-type: none"> • Accurate Engineering (Sylmar Office) inspected on 2/5/08 and re-inspected on 6/5/08 shows an incomplete PBR notification and types of was administrative review and technical review during the inspections.) • PPG Industries, doing business as Sierracin Corporation (Sylmar Office) and inspected on 2/9/10, shows that the TP notification lists evaporation for aqueous waste as "Special waste" under the CESW tier. (Waste was incorrectly listed as special waste.) <p>The PA did not demonstrate that its staff had been adequately trained in the TP program involving cyanide, chrome, and multiple units involving hazardous waste. In addition, the PA did not demonstrate that its staff were familiar with conducting administrative and technical reviews of the TP program (types of waste treated, treatment technologies, TP eligibility, one unit vs. two units</p> <p>HSC, Chapter 6.11, Sections 25404.2 (a)(1)(A) (DTSC) HSC, Chapter 6.5, Sections 25201.5, 25200.3 CCR, Title 27, Section 15100 (b)(2)(H), CCR, Title 27, Section 15200 (a)(3)(A) CCR, Title 22, Section 67450.2 (b)(4) CCR, Title 22, Section 66265.16 CCR, Title 22, 66261.120</p>	<p>January 21, 2012.</p>		
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Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
6	<p>The CUPA's PA inspectors did not conduct complete hazardous waste generator oversight inspections.</p> <p>During the HWG oversight inspection of Certified Enameling, Inc., located at 3342 Emery Street, in Los Angeles, CA on 6/20/11 and 6/21/11, the PA inspector missed the following violations:</p> <ul style="list-style-type: none"> • Failure to conduct weekly inspections of hazardous waste containers. • Failure to routinely check emergency equipment such as fire extinguishers and eyewash/showers. • Failure to submit notification for the two treatment units in two separate buildings. (Facility was listed as a recycler.) <p>During the inspection of Barry Avenue Plating, located at 2210 Barry Avenue, Los Angeles, CA on 6/22/11, the PA inspector failed to identify the adequacy of tank integrity assessment, waste analysis plan, and the number of treatment units, such as one unit vs. two units.</p> <p>The PA inspector consulted with the DTSC evaluator and correctly cited the facility with the proper violations.</p> <p>CCR, Title 27, Section 15200 (b) (DTSC) CCR, Title 22, Sections 66260.10, 66265.13, 66265.32, 66265.174, 6625.192, 67450.4(b)</p>	<p>By February 21, 2011, the CUPA will ensure that the PA inspectors receive hazardous waste generator training that includes, at a minimum but not limited to, training on basic generator requirements, permit-by-rule notifications, tank integrity assessments, waste analysis plan and treatment units.</p>	<ul style="list-style-type: none"> • Los Angeles County Hazardous Waste Inspectors received required training. 	<ul style="list-style-type: none"> • Cal/EPA and Department of Toxic Substance Control (DTSC) consider this deficiency corrected.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
7	<p>The CUPA is not inspecting all UST facilities annually.</p> <p>The file review and CUPA database query conducted by the SWRCB indicated that there are several UST facilities that have not been inspected within the last 12 months.</p> <p>This deficiency was also cited in the 2009 CUPA evaluation.</p> <p>HSC, Chapter 6.7, Section 25288 (a) (SWRCB) CCR, Title 23, Chapter 16, Section 2712 (e)</p>	<p>By October 21, 2011, the CUPA will identify UST facilities that have not been inspected within the last 12 months and submit to Cal/EPA a list of UST facilities that need to be inspected.</p> <p>By June 30, 2012 and each subsequent year, the CUPA will have inspected every UST facility it regulates. Also, submit to Cal/EPA a list of UST facilities that were inspected in FY 2011/2012.</p>	<ul style="list-style-type: none"> • LAFD presented Cal/EPA with spreadsheet for inspected facilities. In April 27, 2012 there were 941 facilities out of the 1,375 UST facilities inspected in the last 12 months. • LAFD will not complete annual inspection of UST tanks. 	<ul style="list-style-type: none"> • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
8	<p>The annual UST inspection is not always conducted in accordance with the requirements set forth in state law.</p> <p>Upon questioning the CUPA, it was confirmed that if the CUPA is not present to witness the annual UST monitoring certification (while access to the underground equipment is accessible); the inspector conducts a walk-through of the facility at another time. This walk-through inspection does not meet the inspection requirements. The CUPA is not always verifying that:</p> <ul style="list-style-type: none"> • Sumps and under-dispenser containments are clean and dry; • Sensors are placed correctly; • Sensors are of the correct type; • Tags have been applied to sensors; • Secondary open for earliest possible alarm; and • Etc. to verify compliance <p>HSC, Chapter 6.7, Section, 25288 (a) (SWRCB) CCR, Title 23, Section, 2712 (e)</p>	<p>By January 21, 2012, the CUPA will develop and submit to Cal/EPA an UST inspection policy to be included in the I and E Plan. This policy will outline how the CUPA will conduct UST inspections. The policy will describe various types of inspections including those when the inspector is not able to witness the annual UST monitoring certification.</p> <p>By April 21, 2012, the CUPA will make the necessary amendments to this policy, incorporate it into the CUPA's I and E Plan and begin to implement the policy.</p> <p>By September 30, 2012, the CUPA will conduct their FY 2011/2012 self audit and submit the narrative self audit report to Cal/EPA. The FY 2011/2012 self audit report will address the status of implementation and identify any necessary changes</p>	<ul style="list-style-type: none"> • LAFD submitted revised Inspection and Enforcement (I and E) Plan. • LAFD will conduct self-audit by September 30, 2012. 	<ul style="list-style-type: none"> • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
9	<p>The CUPA is not preparing a compliance report for every UST inspection.</p> <p>File review indicates that an inspection report is not prepared for every UST inspection. Upon questioning the CUPA, it was confirmed that inspection reports are not prepared for facilities that are in compliance.</p> <p>File review and CUPA database query indicate that not all CUPA inspectors use the same method for documenting and reporting violations. Some inspectors enter the data in Envision while some complete a checklist. Upon questioning the CUPA, this was confirmed.</p> <p>The CUPA is not having a facility representative sign the inspection report indicating their review and receipt of the inspection report. In addition, the CUPA is not always mailing a compliance report to the owner or operator after the inspection.</p> <p>HSC, Chapter 6.7, Section 25288 (b) (SWRCB)</p>	<p>By January 21, 2012, the CUPA will develop a UST inspection policy to be included in the I and E Plan that describes steps that will be taken to prepare compliance reports for every annual UST inspection.</p> <p>By April 21, 2012, the CUPA will submit this policy to Cal/EPA for review.</p> <p>By July 21, 2012, the CUPA will incorporate and implement the UST inspection policy as described above.</p> <p>By September 30, 2012, the CUPA will conduct their FY 2011/2012 self audit and submit the narrative self audit report to Cal/EPA. The FY 2011/2012 self audit report will address the status of implementation and identify any necessary changes.</p>	<ul style="list-style-type: none"> • LAFD incorporated UST inspection policy in the new Enforcement and Inspection Plan, and submitted the new plan to Cal/EPA. 	<ul style="list-style-type: none"> • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
10	<p>The CUPA issues the UST operating permit without verifying compliance.</p> <p>The file review indicated that compliance is not verified prior to issuing an operating permit. Upon questioning the CUPA, it was confirmed that operating permits are issued based on payment of fees rather than compliance.</p> <p>HSC, Chapter 6.7, Section 25285 (b) (SWRCB) CCR, Title 23, Section 2712 (e)</p>	<p>By January 21, 2012, the CUPA will develop and submit to Cal/EPA a policy to be included in their Consolidated Permit Program to ensure that a UST facility is in compliance before issuing the permit to operate.</p> <p>By April 21, 2012, the CUPA will make the necessary amendments to this policy, incorporate it into the CUPA's Consolidated Permit Program and begin to implement the policy.</p> <p>By September 30, 2012, the CUPA will conduct their FY 2011/2012 self audit and submit the narrative self audit report to Cal/EPA. The FY 2011/2012 self audit report will address the status of implementation and identify and necessary changes.</p>	<ul style="list-style-type: none"> • A field will be added in Envision Program that will identify facilities that are not in compliance. Facilities not in compliance will not be issued a permit. Anticipated date of completion is July 16, 2012. 	<ul style="list-style-type: none"> • Anticipated completion date is July 16, 2012.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
11	<p>The CUPA is not approving the UST owner/operator submitted monitoring and response plans.</p> <p>The file review indicates that the CUPA is not signing the approval/disapproval section, indicating that the plans/forms have been reviewed for completeness and accuracy. Upon questioning the CUPA, the failure to approve or disapprove these forms was confirmed.</p> <p>This deficiency was also cited in the 2009 CUPA evaluation.</p> <p>CCR, Title 23, Section 2632 (b), (d)(2) (SWRCB) CCR, Title 23, Section 2641 (g)</p>	<p>By January 21, 2012, the CUPA will develop and submit to Cal/EPA a policy to be included in the I and E Plan that describes the CUPA approval process for UST owner/operator submitted monitoring and response plans.</p> <p>By April 21, 2012, the CUPA will make the necessary amendments to this policy, incorporate it into the CUPA's I and E Plan and begin to implement the policy.</p> <p>By September 30, 2012, the CUPA will conduct their FY 2011/2012 self audit and submit the narrative self audit report to Cal/EPA. The FY 2011/2012 self audit report will address the status of implementation and identify any necessary changes.</p>	<ul style="list-style-type: none"> • LAFD submitted revised Inspection and Enforcement Plan. 	<ul style="list-style-type: none"> • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
12	<p>The CUPA's UST files are not complete.</p> <p>All files reviewed were missing one or more of the following documents:</p> <ul style="list-style-type: none"> • Financial responsibility; • Plot plans; • Secondary containment inspections; • Tank and line integrity tests; • Monitoring certifications; • ELD certifications; • Designated operator; • Tank lining and recertification reports; • UPCF A; and • UPCF B. <p>This deficiency was also cited in the 2009 CUPA evaluation.</p> <p>CCR, Title 27, Section 15185 (a), (c) (1), (i) (SWRCB)</p>	<p>Immediately, the CUPA will start to collect and retain UST facility compliance documents for all facilities for the prescribed time frames.</p> <p>By January 21, 2012, the CUPA will implement the use of a file review checklist. This file review checklist will be maintained in the UST facility file for 3 years; allowing for future verification that the deficiency has been corrected.</p> <p>By July 21, 2012, the CUPA will report to Cal/EPA on how the file review and checklist implementation has progressed.</p>	<ul style="list-style-type: none"> • LAFD developed file review checklists for tank facilities, Haz Mat facilities, and Cal ARP facilities. 	<ul style="list-style-type: none"> • State Water Resources Control Board (SWRCB) and Cal/EPA consider this deficiency as work in progress and require update on progress of file review checklist.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
13	<p>The CUPA is not inspecting each HMRRP facility once every three years. The Annual Summary Reports for the past three FYs indicate that 110 percent of facilities have had routine inspections; however, out of the files reviewed by Cal EMA, 50 percent of the facilities reviewed were not inspected within the past three FYs.</p> <p>This deficiency was identified during the CUPA's last evaluation in 2009.</p> <p>HSC, Chapter 6.95, Section 25508 (b) (Cal EMA)</p>	<p>By January 21, 2012, the CUPA will determine the status of the HMRRP facility inspections and develop an action plan to ensure the HMRRP inspections are achieved. By February 1, 2012, the CUPA will begin inspecting at least one-third of its business plan facilities annually. Priority will be given to the facilities that have not been inspected for the longest period of time.</p> <p>By April 21, 2012, the CUPA will submit to Cal/EPA the status of all HMRRP inspections. Along with each progress report, the CUPA will update Cal/EPA on the total number of business plan facilities and the number of business plan routine inspections conducted in the current fiscal year. Also, submit to Cal/EPA 10 random business plan inspection reports from the facilities inspected within the current FY.</p> <p>By July 21, 2012, the CUPA will have inspected at least one-third of its business plan facilities.</p>	<ul style="list-style-type: none"> • Between July 1, 2011 and June 6, 2012, LAFD inspected 1,528 HMRRP facilities. • Submitted ten business plan review reports. 	<ul style="list-style-type: none"> • LAFD will complete 65% of required inspections. • Pending Cal/EPA response

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
14	<p>The CUPA is not adequately reviewing business plans to ensure completeness. Of the 20 files reviewed:</p> <ul style="list-style-type: none"> • Nine lacked the Business Activities Page, • One lacked the Hazardous Materials Inventory pages, • Nine lacked the Annotated Site Map, and • Seven had incomplete Emergency Response Plans (lacking the equipment inventory, notification procedures, or both). <p>This deficiency was identified during the CUPA's last evaluation in 2009.</p> <p>HSC, Chapter 6.95, Sections 25504 (a)(b)(c), 25505 (a)(1)(2)(d) CCR, Title 19, Sections 2729, 2729.2 (a), 2731, 2732 (Cal EMA)</p>	<p>By January 21, 2012, the CUPA will develop a business plan review process and checklist to ensure that all business plans are complete and accurate.</p> <p>By April 21, 2012, the CUPA will submit copies of at least ten complete business plans and corresponding business plan review checklists for hazardous materials facilities.</p> <p>By July 21, 2012, the CUPA will ensure that all business plans are complete and correct.</p>	<ul style="list-style-type: none"> • Business Plan review process was put in place. • Submitted 10 Business Plans with review checklists. 	<ul style="list-style-type: none"> • Deficiency is considered work in progress. Need to provide updates to Cal/EPA. • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
15	<p>The CUPA is not ensuring that HMRRP businesses submit either an updated hazardous materials inventory or a “no-change” to their inventory certification on an annual basis. During the file review, 95% of the files reviewed lacked a current inventory or “no-change” certification.</p> <p>The CUPA has a “Business Plan Annual Renewal Certification” form that is not currently being used.</p> <p>This deficiency was identified during the CUPA’s last evaluation in 2009.</p> <p>HSC, Chapter 6.95, Sections 25501 (f) and 25505 (d) CCR, Title 19, Sections 2729.4 and 2729.5 (Cal EMA)</p>	<p>By November 21, 2011, the CUPA will submit an action plan outlining how it will ensure that HMRRP businesses annually submit either an annual certification of “no-change” to their inventory or an updated inventory by March 1st.</p> <p>By January 21, 2012, the CUPA will develop a tracking method to determine who did or did not submit the information.</p> <p>By April 21, 2012, the CUPA will submit copies of 10 updated facility inventory forms and 20 completed and signed HMRRP facility annual “no-change” certifications to Cal/EPA.</p>	<ul style="list-style-type: none"> • Developed tracking system in Envision. • Submitted 20 updated facility inventory forms and 20 completed and signed HMRRP. 	<ul style="list-style-type: none"> • Pending Cal/EPA response. • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
16	<p>The CUPA is not ensuring that HMRRP businesses certify that they have reviewed their business plan, made necessary changes and submitted any business plan revisions to the CUPA at least once every three years.</p> <p>The CUPA has a "Business Plan Annual Renewal Certification" form that includes a review certification area, but it is not used.</p> <p>This deficiency was identified during the CUPA's last evaluation in 2009.</p> <p>HSC, Chapter 6.95, Section 25505 (c) (Cal EMA)</p>	<p>By November 21, 2011, the CUPA will submit an action plan outlining how it will ensure that HMRRP businesses certify to the CUPA that they have reviewed the emergency plan and training program portions of their business plan, made necessary changes and submitted any changes to the CUPA at least once every three years.</p> <p>By January 21, 2012,, the CUPA will develop a tracking method to determine who did or did not submit the information.</p> <p>By April 21, 2012, the CUPA will submit copies of 20 completed and signed three-year review certifications submitted by HMRRP businesses</p>	<ul style="list-style-type: none"> • A field was created in Envision to track submitted HMRRP. • Submitted copies of completed and signed three-year review certifications. 	<ul style="list-style-type: none"> • Pending Cal/EPA response. • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
17	<p>The CUPA is not ensuring that HMRRP businesses submit a revised business plan within 30 days from when a substantial change or specified event occurs.</p> <p>Business are required to submit a revised business plan when there is a 100 percent or more increase in the quantity of a previously disclosed hazardous material, any handling of a previously undisclosed hazardous material subject to the inventory requirements, change of business address, change of business ownership, or change of business name. Business are also required to submit a revised business plan whenever a substantial change in the handler's operations occurs that requires a modification of its business plan.</p> <p>The CUPA inspectors make changes to the business contact information and address on the "Business Information" form and changes to the facility's inventory on the "Inspection Responsibility" form during inspections, but do not require the business to submit revised UPCF forms with all of the required information.</p> <p>HSC, Chapter 6.95, Sections 25505 (b), 25509 (a), and 25510 CCR, Title 19, Sections 2729.2 (a) and 2729.4 (d) (Cal EMA)</p>	<p>By January 21, 2012, the CUPA will submit copies of five business plan facility inspection reports where it was found that changes needed to occur in the inventory or contact information. Also, submit copies of the updated business plan forms submitted that corrected the violations.</p> <p>By July 21, 2012, the CUPA will ensure that all HMRRP businesses use the UPCF or forms that store the same information as the UPCFs when changes are made.</p>	<ul style="list-style-type: none"> • Submitted five business plans with inventory or contact information corrected. • Submitted Notice of Violation Tracking Sheet. 	<ul style="list-style-type: none"> • Pending Cal/EPA response. • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
18	<p>The CUPA is not collecting, tracking or accurately reporting Significant Operational Compliance (SOC) information on a semi-annual basis.</p> <p>The CUPA is not collecting SOC criteria during each UST compliance inspection; therefore, the CUPA is not able to comply with the required SOC reporting.</p> <p>CCR, Title 23, Section 2713 (c) (SWRCB) CCR, Title 27, Section 15290 (b)(1)(2)</p>	<p>By October 21, 2011, the CUPA will have begun collecting SOC criteria during each UST compliance inspection.</p> <p>By October 21, 2011, the CUPA will submit to Cal/EPA a revision of its Notice of Violation Tracking spreadsheet. The revision will include columns to allow for the tracking of SOC information.</p> <p>By September 1, 2012, the CUPA will submit to Cal/EPA its Semi-Annual UST Report 6 (data from January to June of 2012) that includes accurate SOC information.</p>	<ul style="list-style-type: none"> • LAFD modified Notice of Violation (NOV) tracking sheet to include violation classification and SOC RP/RP. • LAFD replied to SWRCB that SOC are determined in the office by the Unit captain. 	<ul style="list-style-type: none"> • Corrective action is satisfied. • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
19	<p>The CUPA is not collecting, retaining, and managing information necessary to implement the UP. The following information is not being adequately collected, retained or managed:</p> <ul style="list-style-type: none"> • Enforcement information is not regularly tracked in any database or on inspection reports. NOV's are stored in a binder maintained by the Los Angeles City Fire Department's legal section. When the Annual Summary Reports become due, the CUPA management reviews all of the NOV's created during the reporting FY and records the information in Microsoft Excel. This occurs once per FY. • SOC information is not regularly tracked in any database or on inspection reports. • Complete UPCF information is not always being collected. Cal/EPA, Cal EMA, and SWRCB have observed that HMRRP and UST forms information is either out-of-date or missing. <p>CCR, Title 27, Section 15185 (a) (Cal/EPA, Cal EMA, SWRCB</p>	<p>Immediately, the CUPA will regularly document enforcement activities using Microsoft Excel until the CUPA's database is upgraded to Envision Connect. By October 21, 2011, the CUPA will add a column in its NOV tracking sheet in order to record SOC. The CUPA will submit the NOV tracking sheet along with each progress report.</p> <p>By October 21, 2012, the CUPA will have demonstrated that it is collecting, retaining, and managing information necessary to implement the UP by submitting requested enforcement, SOC and UPCF documentation to Cal/EPA.</p>	<ul style="list-style-type: none"> • LAFD created a spreadsheet to document enforcement activities. A column was added to track SOC. • LAFD submitted formal enforcement procedure which currently includes the legal process. • LAFD is in the process of establishing AEO process. 	<ul style="list-style-type: none"> • Pending Cal/EPA response.

Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
20	<p>The CUPA is not reviewing its I and E Plan annually and updating it as needed.</p> <p>In addition, the I and E Plan is missing the HWG program element and should be updated to include that element. The CUPA's current plan only refers to the PA's I and E Plan in regard to the HWG program; however, that plan is not readily available.</p> <p>CCR, Title 27, Section 15200 (a)(b) (Cal/EPA, DTSC)</p>	<p>By October 21, 2011, the CUPA will review its entire I and E Plan and update it as needed.</p> <p>By October 21, 2011, the CUPA, in coordination with their PA, will revise its I and E Plan to include the administration of the HWG program element</p>	<ul style="list-style-type: none"> 1. LAFD updated I and E Plan. 	<ul style="list-style-type: none"> Cal/EPA considers this deficiency corrected.

Cal/EPA Evaluation Summary of Findings - Status Update

21	<p>The CUPA did not adequately complete a FY 2009/2010 narrative self audit of its activities.</p> <p>The FY 2009/2010 narrative self audit reviewed by Cal/EPA did not differ much from the FY 2008/2009 narrative self audit. The only changes observed were the changes from “FY 2008/2009” to “FY 2009/2010”.</p> <p>CCR, Title 27, Section 15280 (c) (Cal/EPA)</p>	<p>By September 30, 2012, the CUPA will conduct their FY 2011/2012 self audit and submit the narrative self audit report to Cal/EPA</p>	<ul style="list-style-type: none">• LAFD will perform Self-Audit by September 15, 2012.	<ul style="list-style-type: none">• Cal/EPA will review Self-Audit when submitted.
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Cal/EPA Evaluation Summary of Findings - Status Update

	Cal/EPA Narrative of CUPA Deficiency	Cal/EPA Directed Action to LAFD	LAFD Response	Status
22	<p>The CUPA is not accurately reporting information on the Annual Inspection (Report 3) and Enforcement (Report 4) Summary Reports.</p> <ul style="list-style-type: none"> FY 2009/2010 – HWG and the AST program information is missing from Reports 3 and 4. Also, on Report 3 the percent of routine inspections with class 1 or 2 violations that RTC was reported as 100 percent for the HMRRP and California Accidental Release Response Plan (CalARP) facilities; however, on Report 4 no facilities with violations were reported for those program elements. FY 2008/2009 - On Report 3 the percent of routine inspections with class 1 or 2 violations that returned to compliance was reported as 100 percent for the HMRRP and CalARP businesses; however, on Report 4 no facilities with violations were reported for those program elements. Also, on Report 4 the number of local and statutory Administrative Enforcement Orders (AEO) reported are identical for HWG businesses; however, the two types of AEOs come from two different authorities. Local AEO authority comes from local law, code, or ordinance. Statutory AEO authority comes from the state Health and Safety Code. FY 2007/2008 – The percentages of routine inspections with class 1 or 2 violations that returned to compliance was not reported for the HWG program element. 	<p>By September 30, 2011, the CUPA will submit its FY 2010/2011 Annual Summary Reports that accurately depicts its inspection and enforcement activities.</p>	<ul style="list-style-type: none"> 1. LAFD submitted audit findings, quarterly reports, and annual reports. 	<ul style="list-style-type: none"> 1. Cal/EPA considers this deficiency corrected.

Cal/EPA Evaluation Summary of Findings - Status Update

	This deficiency was also cited during the 2009 evaluation. CCR, Title 27, Section 15290 (a) (Cal/EPA, DTSC)			
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