



CUPA Performance Evaluations: Determining Findings

Presented by

CalEPA, Cal OES, DTSC, OSFM, State Water Board

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Anaheim



www.calcupa.org

Unified Program Performance Evaluation

- CCR, Title 27, Section 15330 requires CalEPA and state agencies to assess each Certified Unified Program Agency's (CUPA) performance and implementation of the Unified Program at least once every three years
- CalEPA coordinates each performance evaluation with state agencies that have Unified Program responsibilities



State Agencies Conducting Unified Program Performance Evaluations

- California Environmental Protection Agency (CalEPA)
 - Assesses the overall implementation and enforcement of the Unified Program requirements mandated in HSC, Chapter 6.11, Sections 25404 – 25404.9 and CCR, Title 27, Sections 15100 – 15620
- Department of Toxic Substances Control (DTSC)
 - Assesses the implementation and enforcement of the Hazardous Waste Generator (HWG) Program (includes the Tiered Permitting component) requirements mandated in HSC, Chapter 6.5, Sections 25100 – 25258.2 and CCR, Title 22

State Agencies Conducting Unified Program Performance Evaluations Continued

- California Office of Emergency Services (Cal OES)
 - Assesses the implementation of the Area Plan and Hazardous Materials Business Plan (HMBP) requirements mandated in HSC, Chapter 6.95, Sections 25500 – 25519 and CCR, Title 19, Sections 2620 – 2734
 - Assesses the implementation of the California Accidental Release Prevention (CalARP) requirements mandated in HSC, Chapter 6.95, Sections 25531 – 25543.3 and CCR, Title 19, Sections 2735 – 2785

State Agencies Conducting Unified Program Performance Evaluations Continued

- Office of the State Fire Marshal (OSFM)
 - Assesses the implementation and enforcement of the Aboveground Petroleum Storage Act (APSA) Program requirements mandated in HSC, Chapter 6.67, Sections 25270 – 25270.13
 - Assesses the implementation and enforcement of the Hazardous Material Management Plan (HMMP)/Hazardous Material Inventory Statement (HMIS) requirements mandated in HSC, Chapter 1 and CCR, Title 24, California Fire Code, Part 9

State Agencies Conducting Unified Program Performance Evaluations Continued

- State Water Resources Control Board (State Water Board)
 - Assesses the implementation and enforcement of the Underground Storage Tank requirements mandated in HSC, Chapter 6.7, Sections 25280 – 25299.8 and CCR, Title 23, Sections 2610 – 2729

Unified Program Components CalEPA Evaluates to Assess Performance

- Inspection and Enforcement Program
- Permit Program
- Financial Management
- Staff Education and Training
- Unified Program Plan and Procedures
- Self-Auditing
- CUPA-to-State Reporting



Information Review: Inspection and Enforcement Program

- Inspection, violation, and enforcement information collected in the California Environmental Reporting System (CERS) or in a CUPA's local data management system
 - Inspection frequency for each program element met
 - Ensure facility Return-to Compliance (RTC)
 - Graduated series of enforcement implemented as necessary
- Inspection Reports
 - Factual basis of violations with corrective actions clearly noted

Information Review: Inspection and Enforcement Program continued

- Follow-up documentation
 - Certification of Return-to Compliance
 - Reinspection reports
 - Informal and formal enforcement correspondences
- Closed formal enforcement cases
 - Inspection Reports
 - Enforcement correspondences
 - Enforcement orders
 - Formal enforcement summaries

Information Review: CERS Data

California Environmental Reporting System: Regulator Kareem Taylor's Account [Sign Out](#) [Tools](#) [Reports](#) [Help](#)

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

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

[Home](#) » [Compliance](#)

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

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

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

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

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

Information Review: CERS Inspection Data

InspectionListing.xlsx - Excel

File Home Insert Page Layout Formulas Data Review View ACROBAT Tell me what you want to do... Taylor, Kareem@EPA Share

Get External Data New Query Show Queries From Table Recent Sources Refresh All Connections Properties Edit Links Sort Filter Clear Reapply Advanced Text to Columns What-If Analysis Forecast Sheet Group Ungroup Subtotal

J1003

	A	B	C	D	E	F	G
1	CERSID	FacilityName	OccurredOn	RegulatorNameShort	Type	CMEProgramElement	Video
976	10750909	Burger King	06/29/2018	Alameda County Env Health	Routine	HMRRP	
977	10757059	Zymergen	06/29/2018	Alameda County Env Health	Routine	HMRRP	
978	10757554	Zymergen	06/29/2018	Alameda County Env Health	Routine	HMRRP	
979	10757536	Zymergen	06/29/2018	Alameda County Env Health	Routine	HW	
980	10189579	SCHAFFER CORPORATION	06/29/2018	Alameda County Env Health	Routine	HMRRP	
981	10757536	Zymergen	06/29/2018	Alameda County Env Health	Routine	HMRRP	
982	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	Routine	HMRRP	
983	10415884	3701 Broadway Medical Office Building	06/29/2018	Alameda County Env Health	Routine	HW	
984	10415884	3701 Broadway Medical Office Building	06/29/2018	Alameda County Env Health	Routine	HMRRP	
985	10189579	SCHAFFER CORPORATION	06/29/2018	Alameda County Env Health	Routine	HW	
986	10757059	Zymergen	06/29/2018	Alameda County Env Health	Routine	HW	
987	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	Routine	HW	
990	10189357	NRC ENVIRONMENTAL SERVICES	06/28/2018	Alameda County Env Health	Routine	HW	
991	10189357	NRC ENVIRONMENTAL SERVICES	06/28/2018	Alameda County Env Health	Routine	APSA	
992	10189065	GRIFFIN SOIL	06/28/2018	Alameda County Env Health	Routine	HMRRP	
993	10189357	NRC ENVIRONMENTAL SERVICES	06/28/2018	Alameda County Env Health	Routine	HMRRP	
994	10189065	GRIFFIN SOIL	06/28/2018	Alameda County Env Health	Routine	HW	
995	10757434	Exxon Oakland	06/28/2018	Alameda County Env Health	Routine	HMRRP	
996	10188457	BAUER-PILECO, INC.	06/27/2018	Alameda County Env Health	Routine	HW	
997	10414525	Silicon Valley Manufacturing, Inc.	06/27/2018	Alameda County Env Health	Routine	HW	
998	10188995	FLATIRON CONS.CORP.-CALAVERAS DAM	06/27/2018	Alameda County Env Health	Routine	HW	
999	10188229	ACC AUTO COLLISION CENTER	06/27/2018	Alameda County Env Health	Routine	HMRRP	
1000	10188457	BAUER-PILECO, INC.	06/27/2018	Alameda County Env Health	Routine	HMRRP	
1002	10124983	Propel Fuels, Inc. (202016)	06/27/2018	Alameda County Env Health	Routine	UST	
1003	10188229	ACC AUTO COLLISION CENTER	06/27/2018	Alameda County Env Health	Routine	HW	
1004	10002571	SAN FRANCISCO BAY BRAND	06/27/2018	Alameda County Env Health	Routine	HMRRP	

Sheet1

Ready 1665 of 9606 records found

Information Review: CERS Violation Data

ViolationListing.xlsx - Excel

File Home Insert Page Layout Formulas Data Review View ACROBAT Tell me what you want to do... Taylor, Kareem@EPA Share

Get External Data New Query Recent Sources Get & Transform

Show Queries From Table Refresh All Edit Links Connections Properties Edit Links

Sort Filter Clear Reapply Advanced Sort & Filter

Flash Fill Remove Duplicates Data Validation Text to Columns Data Tools

Consolidate Relationships Manage Data Model

What-If Analysis Forecast Sheet Forecast

Group Ungroup Subtotal Outline

A1 CERSID

	A	B	C	D	E	F	G	H
1	CERSID	FacilityName	InspectionOccurredOn	RegulatorNameShort	CMEProgramElement	OccurredOn	Class	ActualRTCC
2154	10479361	Right Away Redy Mix (Pleasanton Plant)	05/10/2018	Alameda County Env Health	HW	07/19/2018	Minor	
2155	10479361	Right Away Redy Mix (Pleasanton Plant)	05/10/2018	Alameda County Env Health	HW	07/19/2018	Minor	
2156	10479361	Right Away Redy Mix (Pleasanton Plant)	05/10/2018	Alameda County Env Health	HW	07/19/2018	Minor	
2157	10479361	Right Away Redy Mix (Pleasanton Plant)	05/10/2018	Alameda County Env Health	HW	07/19/2018	Minor	
2158	10479361	Right Away Redy Mix (Pleasanton Plant)	05/10/2018	Alameda County Env Health	HW	07/19/2018	Minor	
2159	10479361	Right Away Redy Mix (Pleasanton Plant)	05/10/2018	Alameda County Env Health	HW	07/19/2018	Minor	
2160	10479361	Right Away Redy Mix (Pleasanton Plant)	05/10/2018	Alameda County Env Health	HW	07/19/2018	Minor	
2161	10479361	Right Away Redy Mix (Pleasanton Plant)	05/10/2018	Alameda County Env Health	HW	07/19/2018	Minor	11/15/2018
2162	10479361	Right Away Redy Mix (Pleasanton Plant)	05/10/2018	Alameda County Env Health	HW	07/19/2018	Minor	
2290	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HW	06/29/2018	Minor	08/23/2018
2291	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HW	06/29/2018	Minor	10/19/2018
2292	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HW	06/29/2018	Class 2	10/19/2018
2293	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HW	06/29/2018	Class 2	08/23/2018
2294	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HW	06/29/2018	Class 2	08/23/2018
2295	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HW	06/29/2018	Minor	08/23/2018
2296	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HW	06/29/2018	Class 2	08/23/2018
2297	10415884	3701 Broadway Medical Office Building	06/29/2018	Alameda County Env Health	HW	06/29/2018	Minor	07/27/2018
2298	10189579	SCHAFFER CORPORATION	06/29/2018	Alameda County Env Health	HW	06/29/2018	Minor	06/29/2018
2299	10757059	Zymergen	06/29/2018	Alameda County Env Health	HMRRP	06/29/2018	Minor	09/28/2018
2300	10757059	Zymergen	06/29/2018	Alameda County Env Health	HMRRP	06/29/2018	Minor	09/28/2018
2301	10757059	Zymergen	06/29/2018	Alameda County Env Health	HW	06/29/2018	Minor	
2302	10757059	Zymergen	06/29/2018	Alameda County Env Health	HW	06/29/2018	Minor	09/28/2018
2303	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HMRRP	06/29/2018	Minor	08/23/2018
2304	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HMRRP	06/29/2018	Minor	08/28/2018
2305	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HMRRP	06/29/2018	Minor	09/04/2018
2306	10409944	California Cereal Products, Inc.	06/29/2018	Alameda County Env Health	HMRRP	06/29/2018	Class 2	08/27/2018

Sheet1

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Information Review: CERS Enforcement Data

EnforcementListing.xlsx - Excel

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CERSID	FacilityName	OccurredOn	Type	FormalType	RegulatorNameShort	ViolationCount	CMEI
10004011	Oil Changer #101	05/02/2018	Referral to District Attorney	Civil	Alameda County Env Health	19	Appro
10403071	AAA Auto Guardian, Inc.	01/05/2018	AEO - UP	Administrative	Alameda County Env Health	1	Appro
10502689	Eagle Gas & Mini Mart	08/25/2017	AEO - UP	Administrative	Alameda County Env Health	13	Appro

Ready 3 of 1828 records found

Count: 8

Information Review: Formal Enforcement Summary

		FORMAL ENFORCEMENT SUMMARY				
CUPA			DATE SUBMITTED			
I. FACILITY IDENTIFICATION						
BUSINESS NAME (Same as FACILITY NAME or DBA-Doing Business As)						
BUSINESS SITE ADDRESS						
BUSINESS SITE CITY		104	CA	ZIP CODE 105		
VIOLATION SUMMARY						
Type of Violation (check boxes that apply)						
<input type="checkbox"/> HAZARDOUS MATERIALS	4	<input type="checkbox"/> HAZARDOUS WASTE TREATMENT	11			
<input type="checkbox"/> Cal-ARP REGULATED SUBSTANCES	4a	<input type="checkbox"/> RCRA LARGE QUANTITY GENERATOR	14a			
<input type="checkbox"/> UNDERGROUND STORAGE TANKS (USTs)	5	<input type="checkbox"/> HOUSEHOLD HAZARDOUS WASTE	14b			
<input type="checkbox"/> ABOVE GROUND PETROLEUM STORAGE	8	<input type="checkbox"/> LOCAL REQUIREMENTS	15			
<input type="checkbox"/> HAZARDOUS WASTE	9					
Narrative description of the violations observed						
FORMAL ENFORCEMENT ACTION						
Type of Enforcement Action (Check one box)	Date of Initial Enforcement Action	Date of Final Disposition	Cash Fines/Penalties Imposed	Total Costs Recovered	Value of SEP Penalties Imposed	
<input type="checkbox"/> ADMIN <input type="checkbox"/> CIVIL <input type="checkbox"/> CRIMINAL						
DESCRIPTION OF FINAL DISPOSITION						
NARRATIVE FORMAT - (i.e. describe probation conditions, final sentencing conditions, consent order compliance schedule, etc)						

Information Review: Permit Program

- Unified Program Facility Permits
 - Consolidates the permits issued under the Unified Program
 - Includes all applicable program element(s) and authorizations that make up the Unified Program facility permit
 - Includes the agency responsible for issuing the Unified Program facility permit
 - Includes permitted facility by business name and address
 - Includes permit issuance date
 - Includes permit expiration date
 - Addendum used to document permit conditions for each applicable element of the Unified Program

Information Review: Financial Management

➤ Fee Accountability Program

- Budget records/spreadsheets (last two fiscal years) that includes revenue and expenditures
 - Are assessed funds based on the necessary and reasonable costs to implement the Unified Program?
 - Are assessed funds used only for Unified Program activities?
- Self-Audit Reports
 - Annual review and update of the fee accountability program

➤ Unified Program Fee Schedule

- Fees for each program element
- Correct state surcharge for each category

Information Review: Financial Management Continued

- Annual Single Fee Summary Reports (last three fiscal years)
 - Amount of single fee billed, waived, and collected
 - Amount of state surcharge billed, waived, collected, remitted and still owed to CalEPA for each category
- Quarterly Surcharge Transmittal Reports (last three fiscal years and through current fiscal quarter)
 - Amount of collected state surcharge remitted to CalEPA for each category

Information Review: Financial Management Continued

- Single Fee Invoices (last three fiscal years and through current fiscal quarter)
 - Ensure the correct state surcharges are billed for Aboveground Petroleum Storage Act (APSA), CUPA Oversight, California Accidental Release Prevention (CalARP) Program, Refinery Safety, and Underground Storage Tank (UST) Program
 - Ensure the consolidation of applicable Unified Program fees and the fees for other program(s) incorporated into the Unified Program
 - Ensure fees are itemized by program element

Staff Education and Training

- College degree, college transcript, or human resources documentation showing the CCR Title 27, Section 15260 minimum education requirements was a condition of hiring or registration as an Environmental Health Specialist (REHS)
- Health and Safety training certification with current refresher
- International Code Council (ICC) Certificate
- APSA inspector training certificate
- Additional training documentation related inspection, enforcement, sampling, hazardous materials and hazardous waste analysis, waste classification, etc.

Unified Program Plan and Procedures: Inspection and Enforcement Program Plan

- Required Inspection and Enforcement Program Plan components
 - Provisions for administering all program elements
 - Unified Program element inspections shall be conducted according to the standards contained in statute and regulation
 - Schedule of the inspection frequencies to be conducted that shall, at a minimum, meet the inspection frequencies mandated in statutes
 - Enforcement notification procedures that ensure appropriate confidentiality and coordination and timely notification of appropriate prosecuting agency(ies)
 - Identification of all available enforcement options
 - Uniform and coordinated application of enforcement standards

Unified Program Plan and Procedures: Inspection and Enforcement Program Plan continued

- Required Inspection and Enforcement Program Plan components continued
 - Identification of penalties and enforcement actions that are consistent and predictable for similar violations and no less stringent than state statute and regulations
 - A description of the graduated series of enforcement actions the UPA shall initiate based on the severity of the violation
 - Provisions for multi-media enforcement
 - A description of how the CUPA minimizes or eliminates duplication, inconsistencies, and lack of coordination within the inspection and enforcement program

Unified Program Plan and Procedures: Inspection and Enforcement Program Plan continued

- Required Inspection and Enforcement Program Plan components continued
 - Procedures for coordinating enforcement efforts between the CUPA and its PAs
 - Procedures for addressing complaints, including but not limited to the receipt, investigation, enforcement, and closure of a complaint.
 - Provisions for ensuring the CUPA has sampling capability and ensuring the analysis of any material shall be performed by a state certified laboratory
- Inspection and Enforcement Program Plan should be reviewed annually and revised as necessary

Unified Program Permit Procedure

- Unified Program permit procedure
 - Process for tracking permit applications, establishing follow-up protocol, and facilitating expeditious processing, when necessary
 - CalEPA recommends including the following components:
 - Permit renewal process
 - Required components of the Unified Program facility permit
 - Permit cycle

Unified Program Administrative Procedures

- Public Participation Procedures
 - Ensure receipt and consideration of comments from regulated businesses and the public
 - Coordinate, consolidate, and make consistent locally required public hearings and public notices for activities related to any Unified Program element
- Records Maintenance Procedures
 - Identification of the records maintained
 - Minimum retention times
 - Archive procedures
 - Proper disposal methods

Unified Program Administrative Procedures

Continued

- Procedures for responding to requests for information from the public and government agencies with a legal right to access the information including methods to prevent the release of confidential and trade secret information
- Procedures for providing business plan information to emergency response personnel and other appropriate government entities
- Financial Management Procedures
 - Single fee system including the fee dispute resolution process
 - Surcharge collection and reimbursement program
 - Fee accountability program

Unified Program Administrative Procedures Continued

- Procedure for withdrawal or removal of a Participating Agency, if applicable
 - Providing notice
 - Stating causes
 - Taking public comment
 - Making appeals
 - Resolving disputes

Unified Program Administrative Procedures Continued

- Data Management Procedures
 - Collection, retention, and management of electronic data and documents
 - Transfer and exchange of electronic data between a local information management system or local reporting portal and CERS, if applicable
 - Electronic reporting of inspection, violation, and enforcement information to CERS

Self-Audit Reports

- Completed by September 30 of each year
- Cover the state fiscal year
- An assessment of the performance of the CUPA and any Participating Agencies implementing one or more of the Unified Program elements
- A report of deficiencies with a plan of correction
- A narrative summary of the effectiveness of permitting, inspection, enforcement, and single fee system activities

Self-Audit Reports Continued

- An explanation of any discrepancies on the annual and quarterly reports of program activities submitted to the Secretary pursuant to section 15290
- The annual review and update of the fee accountability program as required by section 15220
- A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program
- A summary of new programs being included in the Unified Program if applicable

Quarterly Surcharge Transmittal Reports

- Use the current Surcharge Transmittal Report template found in CCR, Title 27, Appendix C
 - Found at <https://calepa.ca.gov/cupa/publications>
- Submitted to CalEPA within 30 days of the end of each state fiscal quarter
- Submitted to CalEPA along with remitted state surcharge revenues
- Report the total amount of each type of state surcharge revenue remitted for a state fiscal quarter

Annual Single Fee Summary Reports

- Use the current Annual Single Fee Summary Report template found in CCR, Title 27, Appendix C
 - Found at <https://calepa.ca.gov/cupa/publications>
- Submitted to CalEPA by September 30 of each year
- Include the total amount of the single fees billed, waived, and collected
- Include the total amount of the single fees billed and collected by the CUPA on behalf of its PA(s), as well as the total amounts remitted and still owed to the PA(s)
- Include the total facility counts for each of the program categories
- Include the total amount of each state surcharge billed, waived, collected, remitted to CalEPA, and owed to CalEPA

Reporting Inspection, Violation, and Enforcement Information

- Ensure the CUPA reports information in CERS no later than 30 days after the end of each state fiscal quarter
 - Each PA reported information to its overseeing CUPA or enter that information in CERS
 - Each CUPA reported information received from PA so long as each PA has not yet reported the information in CERS
- Ensure the CUPA submits a Formal Enforcement Summary Report to CalEPA for each formal enforcement case no later than 30 days after a final judgment
 - Ensure the CUPA submits each Formal Enforcement Summary Report to CalEPA by email at cupa@calepa.ca.gov until such a time when Formal Enforcement Summary Report information can be reported in CERS

CUPA Evaluation Feedback

- Talk to the appropriate state agency evaluator about evaluation concerns.



Contact Information

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Questions

