



Certified Unified Program Agency Self-Audit Report & Summary



Fiscal Reporting Year: 2021-2022

Dates of Evaluation: July 5, 14 and 27; August 18; September 14, 2022

Jurisdiction Name County of Riverside	CUPA Riverside County Department of Environmental Health
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This self-audit report and summary is to be used in conjunction with the self-audit checklist seen in tab 1.1 of this binder. The combination of the two documents present an accurate picture of CUPA activities during FY 2021/2022.

Title 27 of the California Code of Regulations, Section 15280 and Title 19 of the California Code of Regulations, Section 2780.5 requires that the following sections be included in this report:

1. Inspection and Enforcement Summary (A narrative summary of the effectiveness of permitting, inspections, and enforcement activities)
2. Self-Audit Summary of Findings (with corrective actions)
3. Single Fee summary
4. Summary of changes in ordinances, resolutions, and agreements
5. Fee Accountability annual review
6. California Accidental Release Program Evaluation Summary

1. INSPECTION AND ENFORCEMENT SUMMARY

The CUPA is responsible for the Unified Program inspections countywide. Two Participating Agencies (PAs) exist and both are responsible for the Hazardous Materials Business Plan (HMBP, or Disclosure) program inspections within their jurisdictions. The Aboveground Petroleum Storage Act (APSA) program is administered by the City of Riverside as the PA within city limits, and is administered by the CUPA in all areas outside the incorporated limits of the City of Riverside.

The Inspection and Enforcement Plan has been reviewed. Minor corrections, including to inspection checklists, inspection guidance documents, and procedures were revised for programs with changes in laws or regulations, or local ordinances.

It is also expected that components of the Inspection and Enforcement Plan will receive additional updates annually as the State's Violation Library is refined.

Most of the Compliance Monitoring and Enforcement (CME) data from the CUPA was transferred electronically to CERS continually, but at least on a quarterly basis for the fiscal year prior to each of the set deadlines. PA CME data was manually data entered into CERS by the quarterly deadlines according to their respective program evaluations.

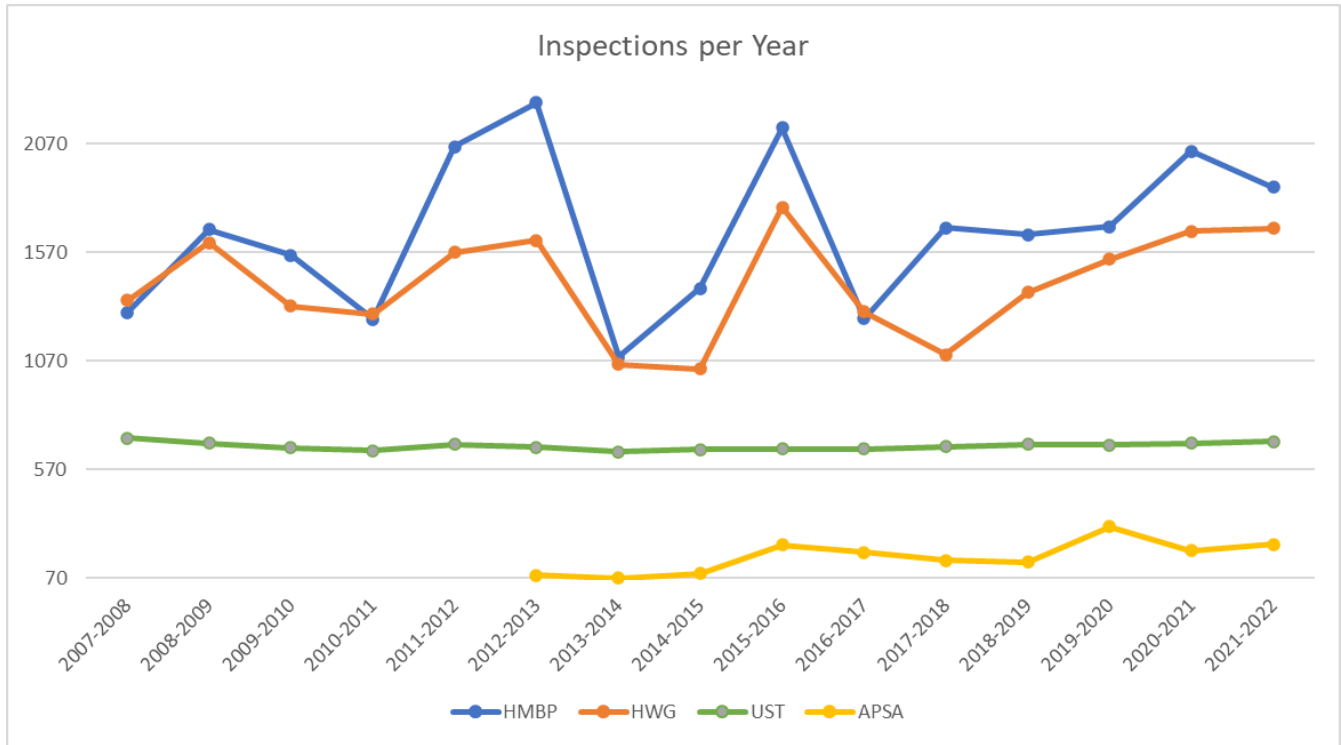
The CUPA generally takes an educational approach to obtaining compliance from the regulated community. However, since education alone is not always enough to gain compliance, the CUPA has developed and utilizes enforcement procedures in cooperation with other agencies that also have responsibilities enforcing environmental laws. A total of 48 Administrative Enforcement Orders were issued during this reporting period. A total of 1 case was referred to the District Attorney's Office for prosecution.

County of Riverside

The CUPA has a triennial inspection schedule for the Hazardous Waste Generator, HMBP, Tiered Permitting, CalARP, and Above Ground Storage Tank programs, and an annual inspection schedule for the Underground Storage Tank program. We strive to complete approximately one-third of our inspections for the Generator, Tiered Permitting, HMBP, Cal ARP, and APSA programs each year. Through FY2020-2021, the CUPA had a total of 7,833 regulated facilities that were billed the Cal EPA surcharge with that number increasing to 8,352 regulated facilities in FY2021-2022. The CUPA has approximately 11,120 active permits as of July 1, 2022 that it inspects on a three (3) year cycle (except for UST regulated facilities which receive an annual inspection).

During this fiscal year, we were able to complete 4,542 routine inspections and 1,309 follow-up inspections, as well as 2,081 in-office return-to-compliance verifications.

Below is a graphical representation of our inspection achievements through FY2021-2022.



During FY2021-2022, we performed inspections as indicated below in each program:

- Hazardous Waste Generator - 1,680 of 4,394, or 115% of expected (1,465) inspections
 - Of the 1,680 Hazardous Waste Generator inspections, 30 were Tiered Permitting
- HMBP/Disclosure - 1,869 of 4,844, or 116% of expected (1,615) inspections
- APSA - 226 of 652, or 104% of expected (217) inspections
- The Underground Storage Tank Program requires annual inspections and we were able to inspect all UST facilities during this fiscal year.

Across the last 3 fiscal years (FY19-20, FY20-21, FY21-22), we performed inspections as indicated below in each program:

- Hazardous Waste Generator – 4,881, or 111% of 4,394
 - Tiered Permitting - 75, or 98% of 76
- HMBP/Disclosure – 5,592, or 115% of 4,844
- APSA - 731 of 652, or 112% of our expected inspections
- UST – At least all inspections were performed each fiscal year.

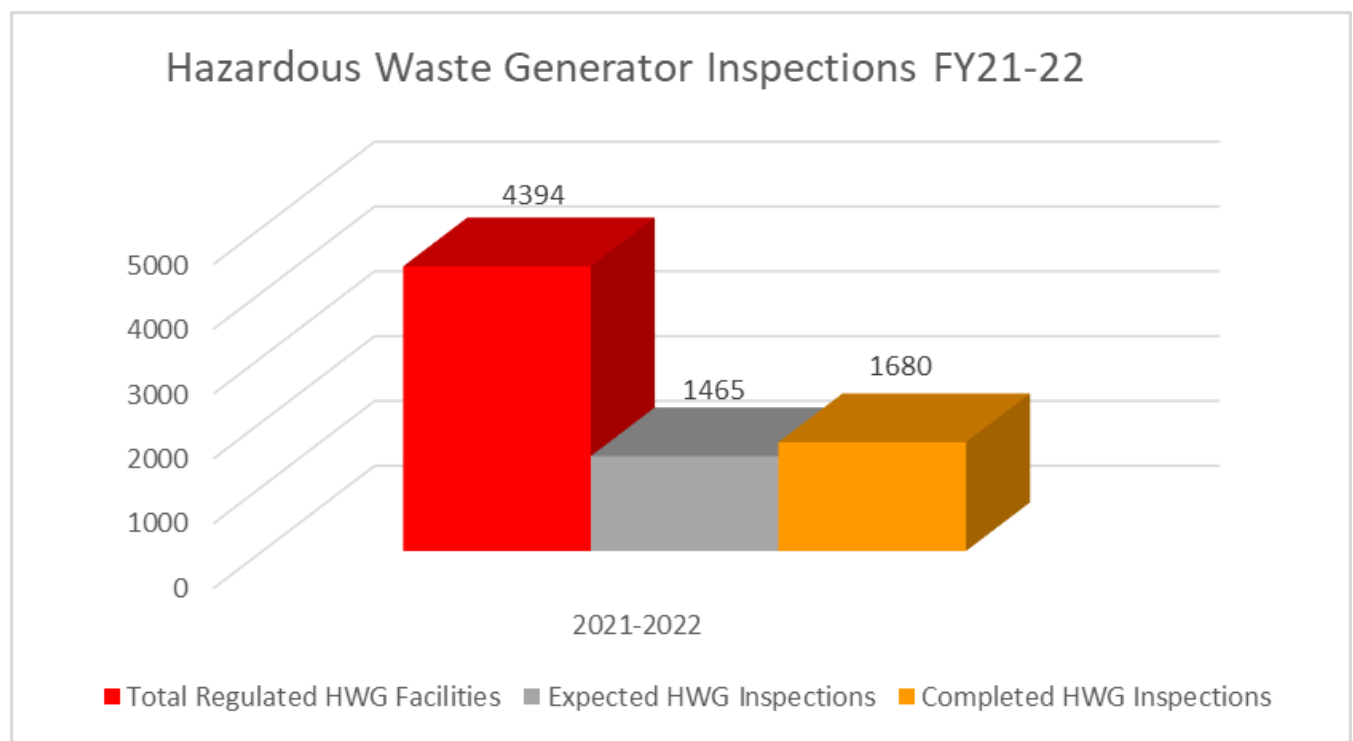
Though the CUPA has met annual inspection targets in most programs year after year, the total number of inspections triennially has not been at 100% of permitted facilities in some programs until this year. However, the CUPA continues to have overdue inspections in each program despite total inspections over a 3 year period being over expectations. This may be due to several factors, including variations in inspection accomplishments in each of the preceding 3 fiscal years; inspections performed at regulated businesses that later go out of business and are

no longer actively permitted; inspections that occur for permits that were not due for a routine inspection; and the amount of newly permitted facilities and the time commitment it takes to inspect previously un-regulated facilities.

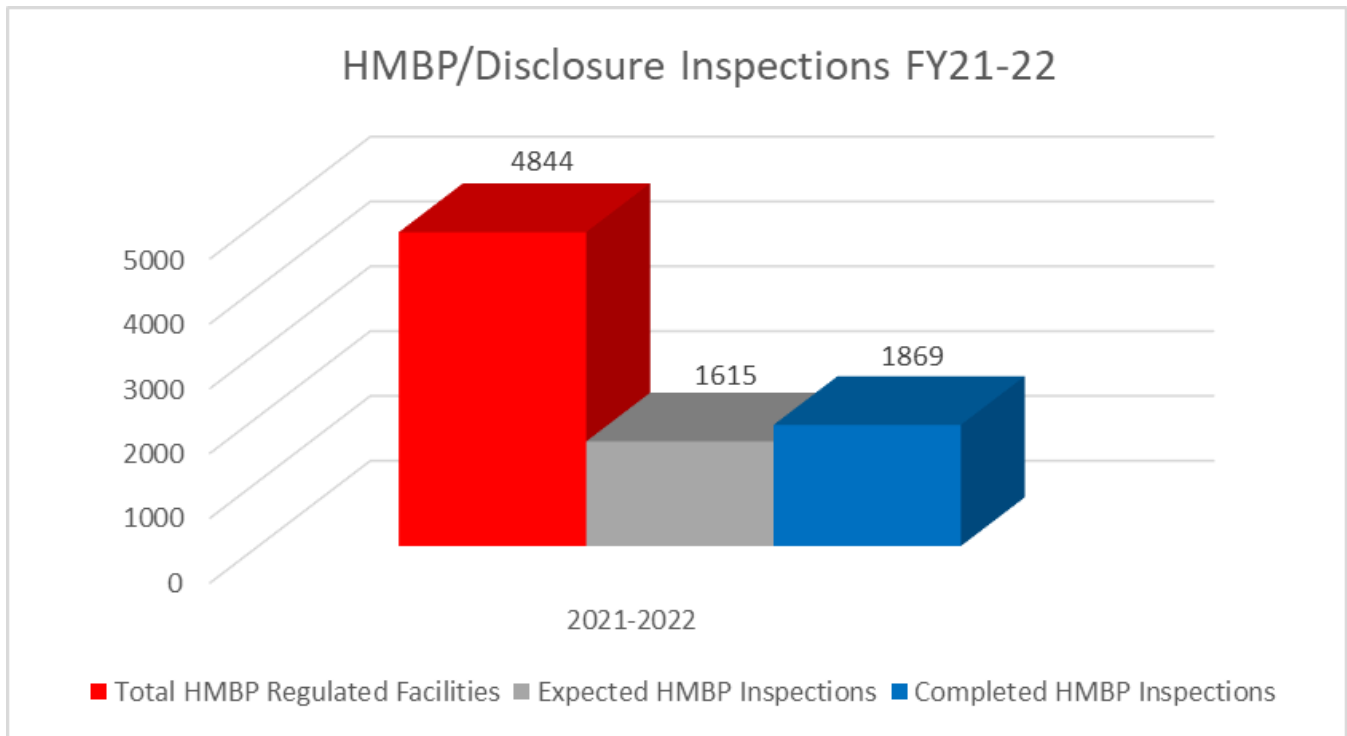
In addition, it is anticipated that numerous future commitments may impact efforts to remain current on triennial inspections, including: single-walled tank removal efforts, local database management system changes, staff recruitment/retention, and any unforeseen events. The CUPA is committed to making every effort to achieve inspection goals but acknowledges these real and unavoidable situations that may impact that commitment.

Below are graphical representations of our FY2021-2022 program inspection accomplishments.

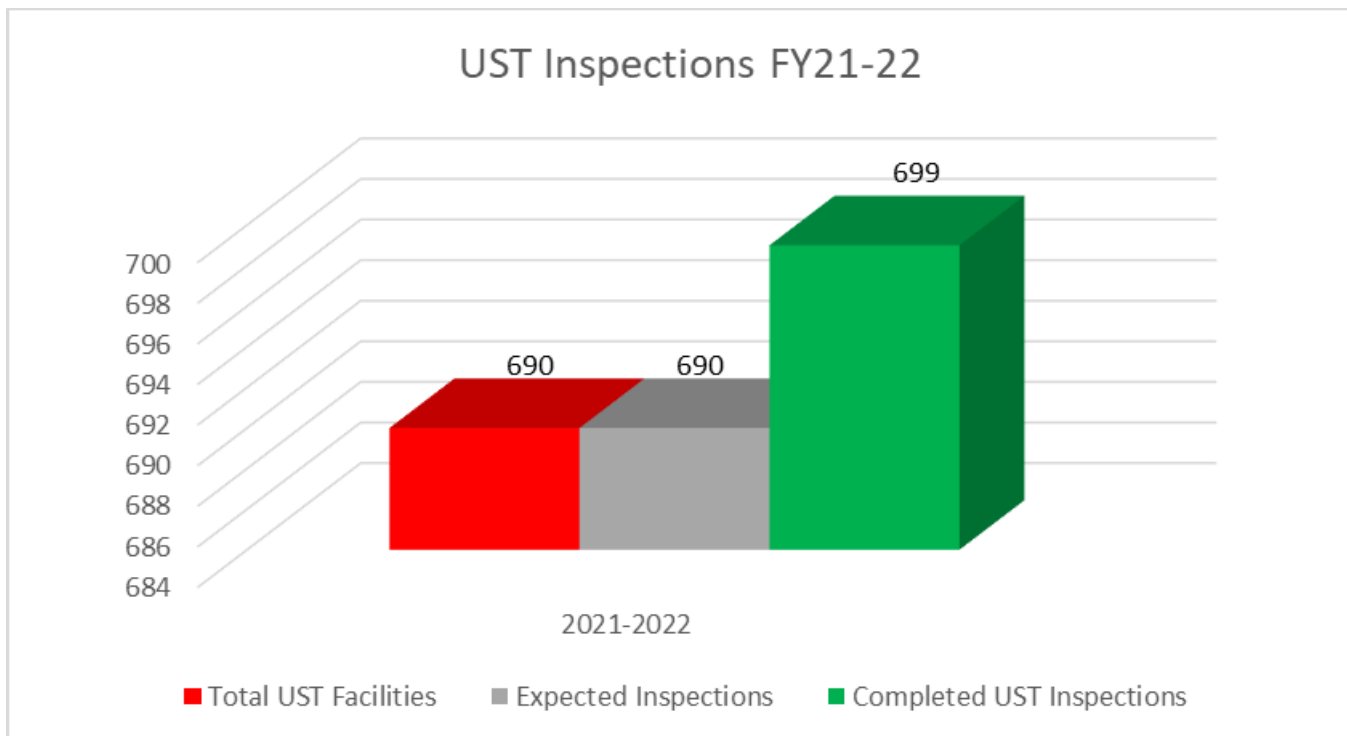
Hazardous Waste Generator



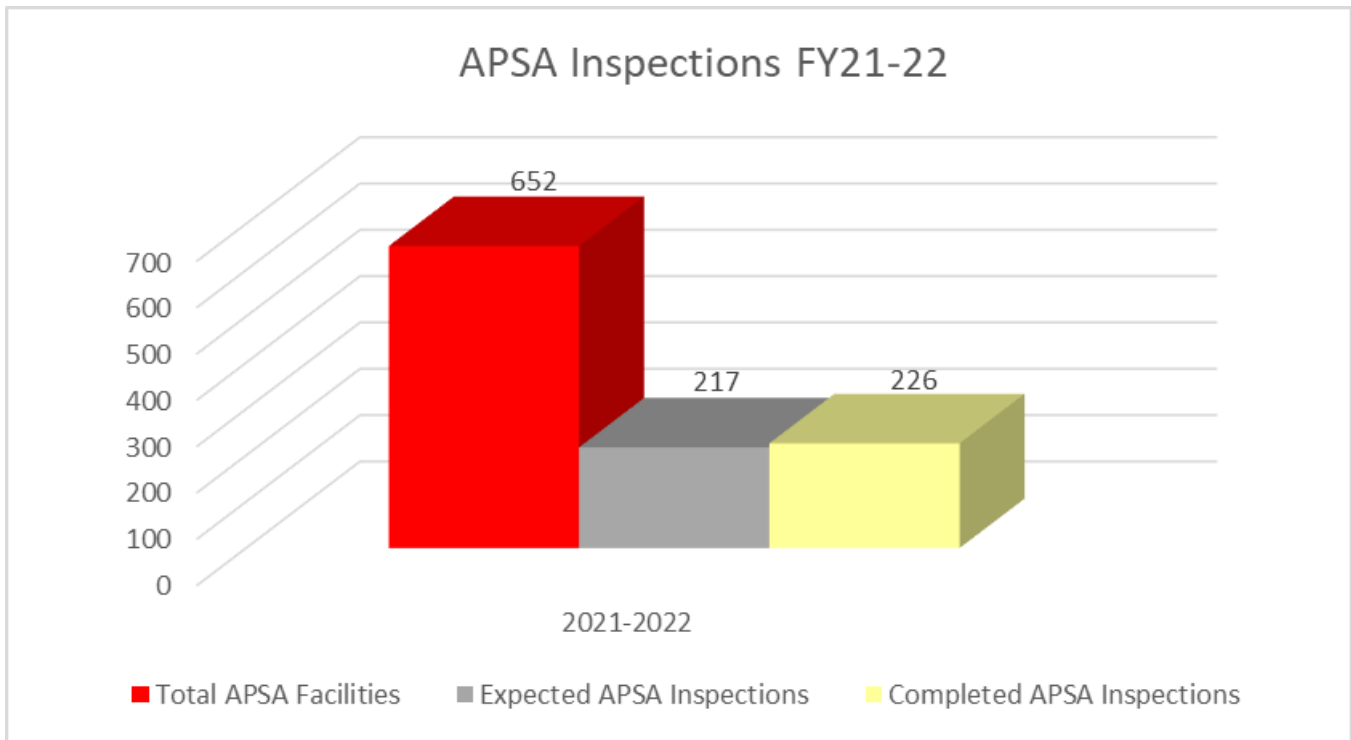
HMBP/Disclosure



UST



APSA



City of Corona

The City of Corona Fire Department is one of the Participating Agencies. They coordinate and manage one of the six Unified Program elements in their city which is the Hazardous Materials Business Plan (HMBP, or Disclosure). There is a total of 769 hazardous materials regulated permits in the City's jurisdiction according to their Self-Audit. The City of Corona conducts inspections, business updates, record maintenance, records retention, annual audits, area plan, fee changes, scheduling/attending administrative hearings, public records/phase I environmental survey requests, and emergency responses to chemical emergencies. The City of Corona is on a triennial inspection schedule.

According to data obtained from the City's Self-Audit and CERS, the City of Corona performed 197 routine inspections during the past fiscal year. The City of Corona was evaluated in-person in 2021 by the CUPA. At this time, program deficiencies were identified and the City has been completing progress reports detailing their progress toward standards.

The City's previous self-audit specifically indicated return-to-compliance rates and the rate of routine inspections were not where they desired due to COVID-19 restrictions and reprioritization of duties. These were identified as lower than expected during their tri-annual evaluation as well. Through evaluation progress reports, the City has a plan to focus on these items in FY2022-2023. Their current self-audit is on file with the CUPA.

City of Riverside

The City of Riverside Fire Department is the other Participating Agency. The City of Riverside manages two of the six CUPA elements including: Hazardous Materials Business Plan (HMBP, or Disclosure) and the Aboveground Petroleum Storage Act (APSA) program. There is a total of 1,234 disclosure permits and 102 APSA permits within the city limits according to the City's Self-Audit. Riverside PA deals with inspections, business updates, record maintenance, records retention, annual audits, area plan, fee changes, scheduling/attending administrative hearings, public records/phase I environmental survey requests, and emergency responses to chemical emergencies. The city inspects on a three year rotating basis.

According to data obtained from the City's Self-Audit and CERS, the City of Riverside has completed 349 disclosure inspections and 35 APSA inspections during the past fiscal year. The City of Riverside was evaluated in-person in 2021 by the CUPA. At this time, program deficiencies were identified and the City will be completing progress reports detailing their progress toward standards.

The City of Riverside recently began the issuance of Administrative Enforcement Orders due to a deficiency received during the evaluation of its program in 2017. The PA however does not employ any staff member who meets the education and/or training requirements necessary to act as a Hearing Officer. Therefore, the CUPA has provided a Hearing Officer for use at PA-overseen enforcement meetings. The PA is wholly responsible for implementing any agreement which may be entered into at an enforcement meeting. So far multiple AEOs have been completed and this partnership is working well.

Participating Agency Evaluations

Both the City of Corona and City of Riverside PAs received full in-person evaluations of their programs in 2021. As of the publication of this Self Audit, both PAs are in the process of submitting continual evaluation progress report updates to the CUPA with outstanding area of improvement.

2. SELF-AUDIT SUMMARY OF FINDINGS

The CUPA has continued to implement an internal auditing document for use in evaluating the CUPA as well as the Participating Agencies. This document ensures consistency within our own Branch and will provide a standard format for the Participating Agencies to evaluate themselves. The purpose of this document is to define the steps that the CUPA follows for planning, performing, recording, and following up on internal audits. This auditing tool will assist us in evaluating our performance and each of the Participating Agencies to ensure the Unified Program elements are effectively implemented and maintained.

For the CUPA, the following items were identified as areas for improvement, requiring follow-up in the coming year:

Item	Observation and Corrective Action
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4.5.1	The CUPA has a robust inspection and enforcement plan requiring that each inspector oversee all program elements within an assigned district, apart from the tiered and CalARP programs. These programs are handled by a lead inspector in each area office. During FY2021-2022, the CUPA conducted CalARP and tiered program inspections and has not been able to verify complete violation return to compliance for all facilities.
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The CUPA makes every effort to return all facility violations to compliance, however, due to contractor limitations experienced by regulated facilities in the CalARP program created by the COVID-19 pandemic, many violations have not yet been corrected. The CUPA anticipates this CalARP issue being resolved as the employment shortages caused by the pandemic normalize and is currently working with hired contractors in order to ensure that all CalARP facilities are either brought into compliance or enforced upon. Tiered program violations have been corrected as of the time of this self-audit.

5.2.2.5	The CUPA has developed and maintained a financial management program which has been evaluated several times by both internal county agencies and external county partners. All CUPA indirect expenses have been accounted for in the past when determining the fee structure which is in place. However, the CUPA has historically not assessed an overhead fee to the Participating Agencies for the costs associated with managing their facility information, providing assistance, nor other routine and semi-routine tasks. As an unintended consequence, the CUPA has instead been relying on payments from non-PA overseen facilities to facilitate this high level of service.
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The CUPA continues to determine a cost for the oversight of the Participating Agencies. However, the CUPA is receiving cost recovery for enforcement cases administered by CUPA staff in cooperation with PA staff. Once an overall cost is finalized, it will be submitted to the PAs for further evaluation and implementation.

5.3.1	The CUPA conducted in-person evaluations of its Participating Agencies in 2021. During the evaluations, the CUPA issued a deficiency to the City of X Fire Department due to an observation that the PA was recording a surplus between approximately \$X and \$X when compared to expenditures per year. The PA was instructed to complete a single fee study in order to return to compliance. The
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PA has drafted a new single fee study and is currently awaiting approval from their City Manager.

The CUPA will continue to follow up with the PA as a part of the PA evaluation process and will take appropriate action to ensure compliance.

6.2.1 The CUPA was late in submitting its Surcharge Transmittal Report (Report 1) to CalEPA for one quarter in FY21-22. The CUPA submits them on a monthly basis, but for September 2021, the report was transmitted on 11/4/21, over 30 days past the end of the 1st quarter. This was in part due to some staff changes and a reorganization of duties assigned to the CUPA's administrative fiscal group.

The reorganization of the CUPA's administrative fiscal group is finished and new staff are now in place. The CUPA has requested an expedited process to ensure CalEPA receives the reports within the allotted time frame. We will continue to work internally to see where processes can improve.

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9.2.6 The CUPA has previously developed and implemented an automated enforcement tool that utilizes CERS data to determine if a facility regulated in the HMBP program has submitted a complete HMBP in the past year. Due to the COVID-19 pandemic, this automation was turned off. In addition, data transfer between local data management system and CERS is not functional due to a vendor software issue as multiple attempts have been made to reengage the enforcement tool. During the CUPA's Self Audit, the effectiveness of the automated enforcement tool was realized when it was observed that more submittals were past-due then have been on average since implementation of this tool.

The CUPA continues to engage our software vendor to fix the underlying issues prohibiting data transfer, however in the meantime, the CUPA has developed an alternative method of supplying CERS submission data to the automated enforcement tool. The automated enforcement tool was turned back on during the 3rd Quarter of FY2021-2022. Use of this tool continues to decrease the percentage of facilities without a current business plan in CERS and due to continuous use, it is expected that all facilities will either have a complete business plan in CERS or are acted upon in a graduated series of enforcement. Additionally, staff are performing completeness reviews at the time of routine inspection.

12.2.9 The CUPA has a robust inspection and enforcement plan which details methods to return a facility to compliance. The CUPA has been understaffed during FY2021-2022 while also experiencing several internal staff transfers, which resulted in delays in following up on all violations within 30 days. Every attempt is made to prioritize return to compliance based on the degree and severity of violation. All violations are eventually either returned to compliance or enforced upon in a graduated series of enforcement.

The CUPA has hired new staff who are in the process of completing the internal training process and have now been released to assist with returning facilities to compliance. Additionally, all supervisors are provided with a listing of open violations and will prioritize workloads accordingly. However, we're entering the new fiscal year with two new staff vacancies. The recruitment and training of new staff may impact the CUPA's ability to catch-up on return-to-compliance within 30 days. It will continue to be monitored throughout the fiscal year.

14.2 Not all the observations have been corrected by the end of this self-audit. See individual observations for anticipated completion dates for corrections.

3. SINGLE FEE SUMMARY

One of the major benefits of the Unified Program to businesses was to provide them with a single invoice and the ability to pay all fees governed by the Unified Program with a single check. The Riverside County CUPA started working on this effort right after certification. All invoicing is accomplished with a single invoice as well as the issuance of a single permit. It should be noted that because there is no annual permit fee for our Cal ARP facilities, they receive additional invoices following billable regulatory activities (e.g. routine inspections, RMP reviews, etc.) occurring at their facilities.

As the CUPA, we maintain accounting records for all facilities subject to the CUPA Programs. Billing information is received from each PA monthly for the program elements implemented by those agencies. New facilities, out of business facilities, changes in billing levels, and changes in billing addresses are just a few of the changes we receive monthly from the Participating Agencies. These changes are then incorporated into the Riverside County CUPA single fee system for future billing. We invoice monthly and therefore credit accounts as payments are made. We transfer funds collected for the PAs and the State monthly. The PAs receive monthly reports on the amounts collected with a check transferring monies. We also provide a past due report every month on facilities that have delinquent accounts. We strive to transmit all surcharges and service fees collected monthly to the State using the appropriate surcharge transmittal form, but at a minimum on a quarterly basis.

We continue to provide a single invoice and a single permit to each of our regulated businesses. No significant changes have occurred in this process during the last fiscal year.

4. SUMMARY OF CHANGES IN ORDINANCES, RESOLUTIONS, AND AGREEMENTS

No changes were noted for FY2021-2022.

5. FEE ACCOUNTABILITY ANNUAL REVIEW

Both PAs received an in-person evaluation of the effectiveness of their programs, including their fee accountability implementation, in 2021. Previously in 2017 evaluations, both PAs received deficiencies in the area of fee accountability because the revenue collected exceeded or were less than their expenses. The CUPA required corrective actions to be taken, including a new fee accountability survey and the reconciling of account statements. The City of Corona determined that a fee update was necessary and successfully increased their fees effective January 19, 2019 to cover the full costs of administering their Unified Program. The City of Riverside reported higher revenues than expenditures but has been following a plan to pay back the Unified Program out of City funds. Progress was reviewed in the City of Riverside's self-audits and though they have encountered difficulties in the recruitment and retention of more staff which further increases their surplus, they are proceeding with their proposed payback plan. During the 2021 evaluation, the PA's fee accountability program was reviewed, and the City of Riverside was again written a deficiency in this area. Monthly progress reports will be used to monitor corrections.

The CUPA had a single fee collection amount of \$7,967,231.24 for this fiscal year. This amount is exclusive of \$743,026.74 in pass-through surcharges collected on behalf of CalEPA and \$865,900.29 in fees collected on behalf of the participating agencies. Revenues trended slightly higher than expenses due to multiple staff not at the maximum range on the HR salary scale in accordance with those staff's union MOU provisions, as well as having some staff movement resulting in position vacancies. The CUPA last increased select fees effective July 1, 2022 in accordance with Riverside County Ordinance 640, which stipulates that CUPA fees shall increase with CPI if needed. No fee increases occurred July 1, 2021, for the 2021-2022 fiscal year. A current schedule of fees is available as an attachment in the FY2021-2022 binder.

In addition, through the CUPA's enforcement program, of the 48 AEOs conducted, approximately \$238,000 was collected in penalties.

The CUPA employs a total of 39 full time staff dedicated almost entirely to the Unified Program. The staffing profile is summarized below:

Personnel Class	Number	Full Time Equivalent
Manager (Program Chief)	1	1.0
Non-inspector Technical Staff (Supervising EHS)	5	5.0
Inspectors (Environmental Health Specialists)	28	28.0
Support Staff (Office Assistants)	5	5.0
Total	39	39

6. CALIFORNIA ACCIDENTAL RELEASE PROGRAM EVALUATION SUMMARY

The CUPA now currently permits and regulates 81 Stationary sources. During this fiscal year 36 stationary sources were inspected, 6 stationary sources were audited, 1 new stationary source was added and no stationary sources were de-registered. No stationary sources have received comments on their Risk Management Plan (RMP) this fiscal year.

Effectiveness of the Program to Ensure Stationary Source Participation

The CUPA is a branch within the broader Department of Environmental Health (DEH). As such, it has access into the County permitting and planning process. The staff participating in the planning process has been trained to identify possible CalARP-regulated materials during that process and:

1. Provide the business information to the applicable CUPA staff; and
2. Place any appropriate permit conditions on the submitted plan based on comments from CUPA staff

Working with planning has allowed the CUPA to identify any new potential CalARP Stationary Sources before chemicals are brought onsite in order to ensure the correct path to compliance.

Effectiveness of Procedures for Records Management

The CUPA's CalARP records management procedures are on file with the CUPA. These procedures take into account minimum County retention timelines, Departmental minimum retention timelines, and minimum CUPA retention times. The CUPA employs one full-time technician whose primary duty is management and release of records. This provides for coordination within the overall records program.

Type and Amount of Technical Assistance Provided

The CUPA has not traditionally been asked for technical assistance by Stationary Sources regarding compliance with CalARP codes. Any questions typically are regarding where to locate specific recognized and generally accepted good engineering practices (RAGAGEP) information. The CUPA also provides lists of consultants who can assist with development and/or updating of Risk Management Plans.

Process for Public Participation

There are three main instances within the CalARP program in which public participation is received.

1. When a change to an ordinance is conducted
2. When a new RMP is developed
3. When the public has safety concerns regarding a Stationary Source

There is an opportunity for public participation when the CUPA updates or proposes any new ordinances. Changes were made to the HMBP Ordinance (651) in FY2018-2019 which includes the Cal ARP program, but none of those changes were to the Cal ARP portion of the ordinance. When RMPs are submitted for Stationary Sources, the CUPA publishes the receipt on its website at www.rivcoeh.org and asks for comments to be submitted in writing to either our post office box or our generic email account. Comments received are reviewed by an internal panel consisting of at least 3 CalARP Coordinators and then discussed with the potential Stationary Source, if appropriate. Complaints alleging safety concerns are handled on a case by case basis. Copies of complaints and their dispositions are placed into the facility file and also into the DEH data management system.

Required Lists

The following lists are included in the self-audit:

- A listing of all stationary sources covered by the CalARP program that have been audited
- A listing of all stationary sources covered by the CalARP program which have been requested to develop a Risk Management Plan
- A listing of all stationary sources covered by the CalARP program which have been inspected
- A listing of new or modified stationary sources
- A list of CalARP facilities which have been subject to enforcement action
- A list of comments which have been received on Risk Management Plans

Impact of the CalARP Program Regarding Release Reduction

The CUPA is unaware of any peer-reviewed study which has been directed at answering the question regarding how effective the CalARP program is at reducing and eliminating significant releases.

This past year there were no significant releases at facilities managed under the CUPA's CalARP program.

Personnel Years

Personnel years are used as a measurement to determine staff time needed to administer and operate the CalARP program. The approximate full time equivalent of staff time it takes to implement the CalARP program across a 3-year inspection cycle is a minimum of 0.25 years FTE.

7. EMERGENCY RESPONSE SUMMARY

The Emergency Response Program consists of a joint agency response with Cal Fire/County Fire that respond 24 hours a day throughout the county. In addition, our staff respond with 3 city Haz Mat Teams (Cities of Corona, Hemet, and Riverside), and conduct complaint investigations, including responding to Cal EPA and DTSC referrals. In the past our Emergency Responders were drawn from our inspection staff. They would respond to Emergency calls throughout the county 24 hours a day for the on-call period. Now, the CUPA currently has dedicated one nearly full time (0.9) Hazardous Materials Specialist, three fifths (0.6) Hazardous Materials Supervisor, and three fifths (0.6) Senior Hazardous Materials Specialist to handle daytime emergency response. In addition, the CUPA maintains approximately 10 staff that cover after-hours responses. As writing reports and incident follow-ups require a business hour commitment, these staff devote roughly 10-15% of their time to emergency response activities. The total time allocation to run emergency response activities is a minimum of 4 FTE. The CUPA logged in 1,063 Emergency Response Complaint Investigations (ERCIs) during this fiscal year.