Welcome!

The CUPA Performance Evaluation & Assessment Process

March 27, 2025

Th-D1 8:00-11:45 AM

27th California Unified Program Annual Training Conference
March 24-27, 2025

Introductions And Changes

John Paine, CalEPA Unified Program Manager

27th California Unified Program Annual Training Conference
March 24-27, 2025

Introductions

State Agency		Presentation Information	Presenters
	CalEPA	Overview of Presentation Overview of Evaluation Process CalEPA Assessment	John Paine Kaeleigh Pontif Melinda Blum
	State Water Board	UST Program Assessment	Magnolia Busse Michelle Suh
	CalEPA	HMBP Requirements and CalARP Program Assessment	Andrea Moron-Solano Garett Chan
	DTSC	HWG Program Assessment	Pheleep Sidhom Mia Goings
	OSFM	APSA Program Assessment	Denise Villanueva Mary Wren-Wilson

What we have planned…

8 - 8:20 Introductions and Changes

8:20 - 8:50 Evaluation Process and CalEPA Assessment

8:50 - 9:20 UST Evaluation and Assessment Process

9:20 - 9:30 10 Minute BREAK

9:30 - 10:00 HMBP and CalARP Program Assessment

10:00 - 10:30 HWG Program Assessment

10:30 - 10:45 HWG Program Appendix of Deficiency Detail

10:45 - 10:55 10 Minute BREAK

10:55 - 11:25 APSA Program Assessment

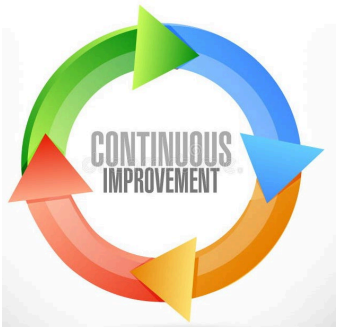
11:25 - 11:45 Questions & Answers

If You Have Questions…

To ensure we can present all information from each state agency, please be patient and ask questions at the end of the full presentation.

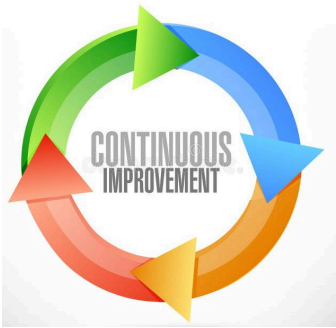
~ Thank YOU

Changes for 2025…



- Improved evaluation process
  - Suggestions from Evaluation Steering Committee, CUPA Forum Board, BDOs
- Focused scope: inspection, enforcement, data quality, administration
- Fewer documents requested: Enclosure 1
- Simplified Supplemental Questionnaire
- Shortened timeline of evaluation
  - New Workplan Template

Changes to come…



- Evaluation Progress Report process
  - Time between each EPR
  - Duration of EPR process
- Summary of Findings Report
  - Revised Deficiency Library: Corrective Actions & Resolutions
  - Sections within the report
- Further improvements to the evaluation process

If You Have Questions…

To ensure we can present all information from each state agency, please be patient and ask questions at the end of the full presentation.

~ Thank YOU

The CUPA Performance Evaluation Process & CalEPA Assessment

Melinda Blum, CalEPA Evaluation Team Lead Supervisor

27th California Unified Program Annual Training Conference
March 24-27, 2025

The Evaluation Process

- Notification Letter
  - Pre- Notification Letter
- Establishing the Workplan
- Providing Information
  - SharePoint
- Kickoff Meeting
  - Begin Assessment
- Follow-Up Information Request
  - 1st Team Meeting
- Q&A Meeting
  - 2nd Team Meeting
- Exit Briefing Meeting
  - Final Summary of Findings (FSOF) Report Issued
- Evaluation Progress Report (EPR) Process

CALIFORNIA CUPA FORUM

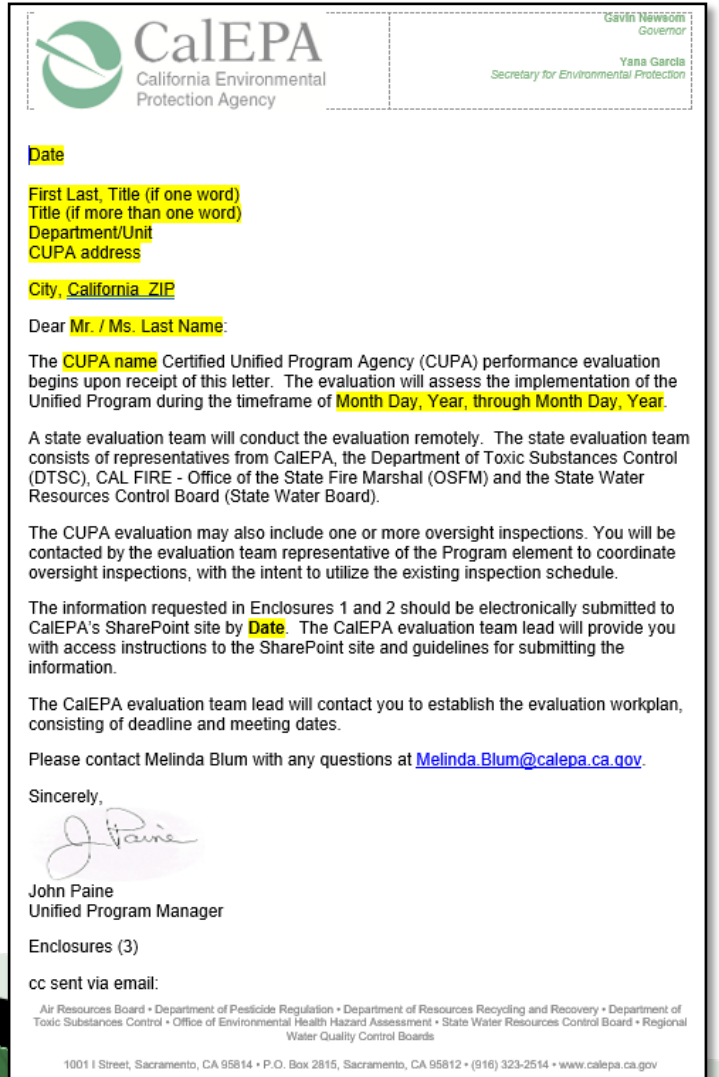
Pre- Notification Letter

- Provides scheduled evaluation month

Notification Letter

- Provides assessment timeframe
- Formal Request for Information = 60 Days
  - Enclosure 1
    - Administrative Documents
    - Standard Operating Procedures
    - Program Specific Documents
      - CalARP, APSA, HMBP, HWG, UST
  - Enclosure 2
    - Documentation for selected Facility Files
      - HMBP, CalARP, HWG, APSA, UST
      - DTSC referred complaints

CALIFORNIA CUPA FORUM



CalEPA
California Environmental Protection Agency

Gavin Newsom
Governor

Yana Garcia
Secretary for Environmental Protection

Date

First Last, Title (if one word)
Title (if more than one word)
Department/Unit
CUPA address

City, California ZIP

Dear Mr. / Ms. Last Name:

The CUPA name Certified Unified Program Agency (CUPA) performance evaluation begins upon receipt of this letter. The evaluation will assess the implementation of the Unified Program during the timeframe of Month Day, Year, through Month Day, Year.

A state evaluation team will conduct the evaluation remotely. The state evaluation team consists of representatives from CalEPA, the Department of Toxic Substances Control (DTSC), CAL FIRE - Office of the State Fire Marshal (OSFM) and the State Water Resources Control Board (State Water Board).

The CUPA evaluation may also include one or more oversight inspections. You will be contacted by the evaluation team representative of the Program element to coordinate oversight inspections, with the intent to utilize the existing inspection schedule.

The information requested in Enclosures 1 and 2 should be electronically submitted to CalEPA's SharePoint site by Date. The CalEPA evaluation team lead will provide you with access instructions to the SharePoint site and guidelines for submitting the information.

The CalEPA evaluation team lead will contact you to establish the evaluation workplan, consisting of deadline and meeting dates.

Please contact Melinda Blum with any questions at Melinda.Blum@calepa.ca.gov.

Sincerely,

John Paine
Unified Program Manager

Enclosures (3)

cc sent via email:

Air Resources Board • Department of Pesticide Regulation • Department of Resources Recycling and Recovery • Department of Toxic Substances Control • Office of Environmental Health Hazard Assessment • State Water Resources Control Board • Regional Water Quality Control Boards

1001 I Street, Sacramento, CA 95814 • P.O. Box 2815, Sacramento, CA 95812 • (916) 323-2514 • www.calepa.ca.gov

Establishing the Workplan

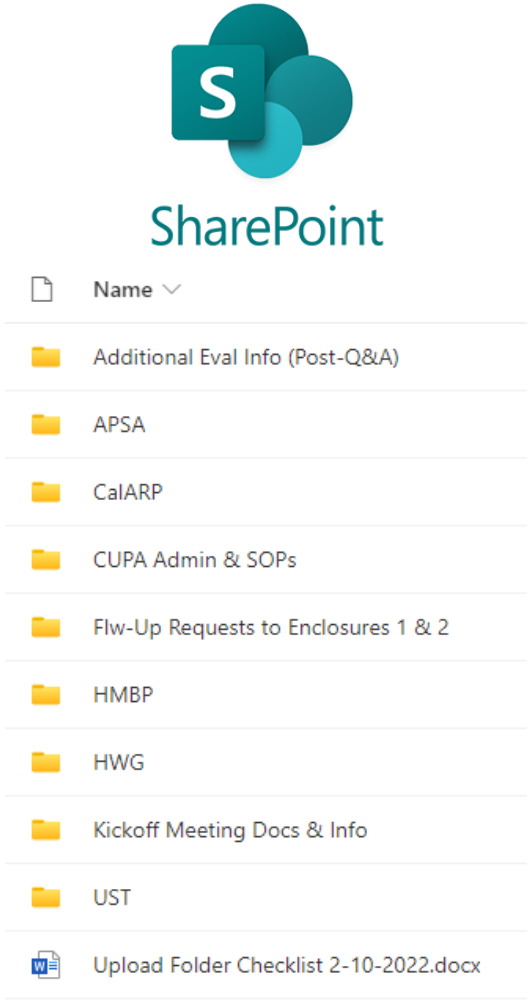
- CalEPA Team Lead works with CUPA to establish meeting dates:
  - Kickoff, Q&A and Exit Briefing

- Establishes deadlines for:
  - SharePoint Upload
    - Follow up and missing information requests
  - Supplemental Questionnaire
  - *PRELIMINARY* Summary of Findings (*PSOF*)
    - Provide additional information to be considered during the evaluation
  - Providing Final Summary of Findings (FSOF) to CUPA

Providing Information

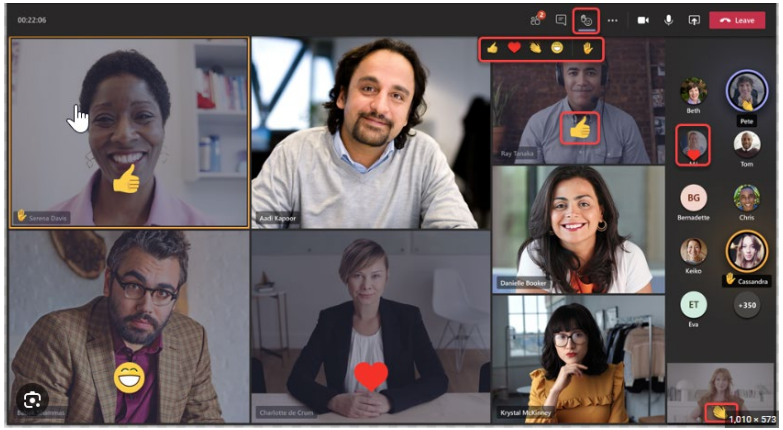
SharePoint

- Secure access link and password
  - Provided by CalEPA Team Lead
- Organized File Structure
  - Follows Enclosures 1 and 2
- CUPAs can request state agency assistance to scan and/or upload requested information.



Kickoff Meeting, Begin Assessment

- Meet the Evaluation Team
- Meet the CUPA Representatives
- Evaluation process overview and confirm SharePoint access
- Overview of CUPA Program Implementation (optional)
- Discuss accomplishments and/or challenges since the last evaluation
- Review Supplemental Questionnaire
- Review Workplan



CALIFORNIA CUPA FORUM

Scheduling Oversight Inspections

- Oversight and/or Verification inspections coordinated with CUPA
  - CalEPA, DTSC and/or State Water Board

Follow-Up Information Request

After CUPA uploads to SharePoint:

- CalEPA Team Lead confirms all requested information was uploaded

- Assessment Begins
  - Distributes evaluation information to State Evaluation Team
  - Sends Missing Information Request to CUPA
  - CUPA provides missing information from Enclosures 1 and 2

- State Team develops Preliminary Summary of Findings (PSOF) Report
  - Discusses PSOF at 1st Team Meeting

Questions & Answers (Q&A) Meeting

A facilitated review and discussion of:

- DRAFT PSOF Report
- Additional Information Requests
  - Identify any additional information needed to clarify any potential deficiencies/incidental findings or to be considered during the evaluation
- Obtain proposed alternative corrective actions/resolutions and timelines
- State Evaluation Team has 2nd Team Meeting to discuss revisions to PSOF Report

CALIFORNIA CUPA FORUM

Exit Briefing Meeting

CUPA receives the PSOF Report one week prior to Exit Briefing meeting.

A facilitated review and discussion of the "final" *DRAFT of the PRELIMINARY Summary of Findings Report*

Review proposed timeline for corrective actions and resolutions

...and Then

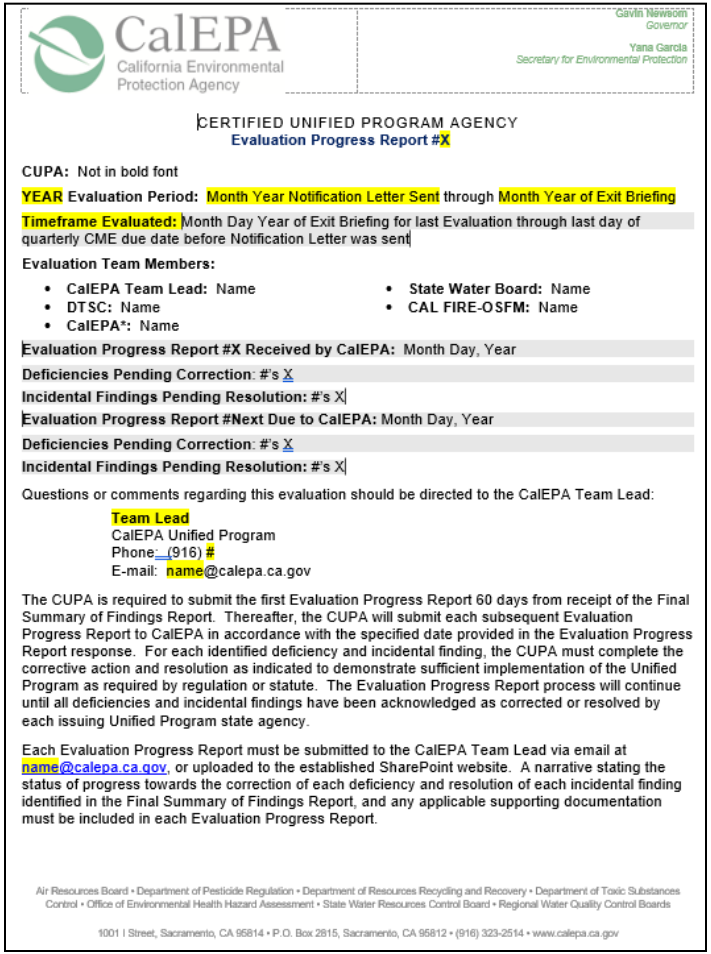
- State Evaluation Team supervisors review PSOF Report and generate the "final" *Summary of Findings (FSOF) Report*
- Program Implementation Rating is Determined
- FSOF is issued to CUPA
- Evaluation Progress Report (EPR) process begins

CALIFORNIA CUPA FORUM

Evaluation Progress Report (EPR) Process

After FINAL Summary of Findings Report is issued to CUPA:

- Within **60** days, the 1st Evaluation Progress Report is due to CalEPA.
- Subsequent EPRs due to CalEPA dependent upon date established with EPR BDO Responses
  - Approximately every 120 days
  - We are flexible with the timeline.
  - We much prefer a quality response rather than an incomplete response to meet a deadline.



CalEPA
California Environmental Protection Agency

Gavin Newsom
Governor

Yana Garcia
Secretary for Environmental Protection

CERTIFIED UNIFIED PROGRAM AGENCY
Evaluation Progress Report #X

CUPA: Not in bold font

YEAR Evaluation Period: Month Year Notification Letter Sent through Month Year of Exit Briefing

Timeframe Evaluated: Month Day Year of Exit Briefing for last Evaluation through last day of quarterly CME due date before Notification Letter was sent

Evaluation Team Members:

- **CalEPA Team Lead:** Name
- **DTSC:** Name
- **CalEPA*:** Name
- **State Water Board:** Name
- **CAL FIRE-OSFM:** Name

Evaluation Progress Report #X Received by CalEPA: Month Day, Year

Deficiencies Pending Correction: #'s X

Incidental Findings Pending Resolution: #'s X

Evaluation Progress Report #Next Due to CalEPA: Month Day, Year

Deficiencies Pending Correction: #'s X

Incidental Findings Pending Resolution: #'s X

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

Team Lead
CalEPA Unified Program
Phone: (916) #
E-mail: name@calepa.ca.gov

The CUPA is required to submit the first Evaluation Progress Report 60 days from receipt of the Final Summary of Findings Report. Thereafter, the CUPA will submit each subsequent Evaluation Progress Report to CalEPA in accordance with the specified date provided in the Evaluation Progress Report response. For each identified deficiency and incidental finding, the CUPA must complete the corrective action and resolution as indicated to demonstrate sufficient implementation of the Unified Program as required by regulation or statute. The Evaluation Progress Report process will continue until all deficiencies and incidental findings have been acknowledged as corrected or resolved by each issuing Unified Program state agency.

Each Evaluation Progress Report must be submitted to the CalEPA Team Lead via email at name@calepa.ca.gov, or uploaded to the established SharePoint website. A narrative stating the status of progress towards the correction of each deficiency and resolution of each incidental finding identified in the Final Summary of Findings Report, and any applicable supporting documentation must be included in each Evaluation Progress Report.

Air Resources Board • Department of Pesticide Regulation • Department of Resources Recycling and Recovery • Department of Toxic Substances Control • Office of Environmental Health Hazard Assessment • State Water Resources Control Board • Regional Water Quality Control Boards

1001 I Street, Sacramento, CA 95814 • P.O. Box 2815, Sacramento, CA 95812 • (916) 323-2514 • www.calepa.ca.gov

CALIFORNIA CUPA FORUM

CalEPA Assessment

- What to know…
- Tips to prevent commonly identified Deficiencies and/or Incidental Findings ☺

CALIFORNIA CUPA FORUM

CUPA Performance Evaluation: Key Components of Title 27

- Record Maintenance
- Data Management & Local Ordinances
- Electronic Reporting
- Inspection & Enforcement (I&E) Plan
- Unified Program Facility Permit (UPFP)
- Self-Audit Reports
- Fee Accountability
- Education & Training
- Financial Management:
  - Single Fee System
  - Surcharge collection & remittance
- CUPAs with PAs
- CUPA to State Reporting

CALIFORNIA CUPA FORUM

Record Maintenance- 15185(f)(1)

When documentation that is required to be maintained can't be provided.

- Identify files maintained by the CUPA, and retention timeframes
  - ✓ Ensure the 5-year minimum retention time is used for required documents.
- Include specifics listed in 15185(g)
- Review procedure annually
  - ✓ If not annually, before the next evaluation
- If by default, the City or County Records Retention schedule is used, incorporate it into the CUPA procedure by reference.

Data Management- 15180(e)(6)

- Reference all requirements in the cited sections, even if just a sentence or two.
  - ✓ 15185(e)(1): Collection and management of documents and electronic data
  - ✓ 15185(e)(2): Transfer and exchange of electronic data, if applicable (see 15187)
  - ✓ 15290(d): Quarterly reporting CME information to CERS (see 15290(f))
    - For CUPAs with a PA, include:
      - How the PA reports CME information to the CUPA, or CERS (see 15290(d)(1))
      - How the CUPA includes CME information from the PA with quarterly reporting (see 15290(d)(2))

CALIFORNIA CUPA FORUM

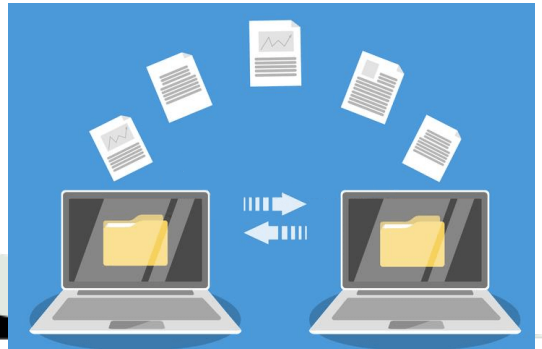
Local Ordinances- 15185(c)

- Identify all local ordinances requiring information to be provided with CERS submittals

Electronic Reporting- 15187

When compliance, monitoring and enforcement (CME) information discrepancies exist with electronic data transfer (EDT) between the CUPA data management system (DMS) and the California Environmental Reporting System (CERS).

- For CUPAs with a local reporting portal, see 15187(a)
- If known EDT issues exist, or if transitioning to a new DMS, let the State Evaluation Team know at or before the Kickoff Meeting.
- Ensure CME information is reported quarterly to CERS (see 15290(d))



CalEPA Assessment
...*continued*...

Kaeleigh Pontif, CalEPA Evaluation Team Lead

27th California Unified Program Annual Training Conference
March 24-27, 2025

I&E Plan- 15200 (INSPECTIONS)

- NEW with Title 27 Revision 2024: Ensure there is an inspection process for each program element, including procedures for:
  - ✓ Pre-inspection, on-site and off-site inspection, post-inspection, re-inspection
  - ✓ Consolidation of inspections when possible
- Include inspection frequencies per statute and regulation (see 15200(a)(2)):
  - ✓ Establish HWG Program inspections per 15200(e)
- Include provisions for sampling capability (HSC, Chapter 6.5, Section 25198)
  - ✓ Reviewed by DTSC
- Include procedures for addressing complaints:
  - ✓ Receipt, investigation, enforcement and closure

I&E Plan- 15200 (ENFORCEMENT)

- Identify all informal and formal progressive enforcement actions, including:
  - ✓ Referral of formal enforcement cases to local, state, or federal agencies
  - ✓ When, why, and how enforcement is escalated
- Identify all penalties
- Address provisions for multi-media enforcement
- Address how duplication, inconsistencies and lack of coordination are minimized or eliminated
- Include procedures for enforcement notification, including:
  - ✓ Appropriate confidentiality, coordination, timely notification of appropriate agencies

I&E Plan- 15200 (For CUPAs with a PA)

- Address development of the I&E Plan in cooperation with the PA, including:
  - ✓ Describing coordination efforts between the CUPA and PA
  - ✓ Procedures for coordinating enforcement efforts between the CUPA and PA
- Include a review and revision date
- Address each topic, even if briefly

- **Refer to the Guidance for Inspection and Enforcement Plans**
  - ✓ https://calepa.ca.gov/wp-content/uploads/2025/02/CalEPA-IE-Plan-Guidance-Document-2024.pdf

CALIFORNIA CUPA FORUM

UPFP- 15180(e)(7) & 15190

- **Procedures for issuing and renewing the UPFP**
- Identify conditions for revoking or withholding issuance
- Ensure aspects of the CA fire and/or building codes are not included
- Ensure the UPFP template includes:
  - ✓ Issuing agency
  - ✓ Permitted facility (business name and address)
  - ✓ Issuance and Expiration dates
  - ✓ State Water Board will review UST information

CALIFORNIA CUPA FORUM

CUPA Self-Audit Report- 15280

- Reflect actual activities for the previous Fiscal Year (July 1 through June 30).
  - ✓ Include performance of PA(s) or other agency authorized to implement any program element (EX- Ag. Commissisoner)
  - ✓ Include areas of improvement needed, progress towards improvement and plans for future improvement
    - Don't just copy and paste the latest Final Summary of Findings Report

CALIFORNIA CUPA FORUM

CUPA Self-Audit Report- 15280

- Summarize the following:
  - ✓ Staffing status
  - ✓ # of inspections conducted
  - ✓ Enforcement actions taken
  - ✓ Community outreach efforts
  - ✓ Training (internal & external
  - ✓ Accuracy of CERS information
- Include an explanation of any discrepancies in annual or quarterly reporting (see 15290)
- Include annual review of Fee Accountability Program (see 15220)
- Describe any changes in local ordinances, resolutions or agreements
- Include a summary of new programs, if applicable

CALIFORNIA CUPA FORUM

Education and Training- 15260 & 15270

- Review recent MQs/job postings and staff REHS certifications to verify minimum education requirements are met.
- Make sure common licensures and certifications are up to date for all relevant staff
  - ✓ ICC UST, APSA Inspector, HAZWOPER, etc.
- Document all inhouse and other ongoing training for all staff
- Staff/Supervisors conducting inspections and/or applying enforcement prior to July 1, 2024, are not required to meet minimum education requirements.

CALIFORNIA CUPA FORUM

Fee Accountability- 15220

- Incorporate annual review into the Self-Audit
- Components Include:
  - ✓ Operating costs: billable services, staff hours and salary/wages for each position
  - ✓ Direct expenses: expense for the CUPA (EX equipment)
  - ✓ Indirect expenses: shared expense of the CUPA (CUPA portion of department/city/county expenses, facilities)
  - ✓ Non-recurring activities (fees for initial permits, special inspections, etc.)
  - ✓ **Additional funding sources to assist in covering implementation costs (general fund, grants)**

Fee Accountability- 15220

- Components Include:
  - ✓ A comparison of actual operating costs (see 15220(a)(1)(A)-(J) with:
    - The fee schedule
    - The actual single fee amount billed and collected (including any amount on behalf of a PA)
  - ✓ Regulated businesses:
    - # regulated in each program element (including those regulated by a PA)
    - # businesses assessed the single fee
    - # businesses with waived/prorated fees (no single fee, no surcharge)

Fee Accountability- 15220

- Components Include:
  - ✓ Services provided, including but not limited to:
    - Frequency of inspection
    - Oversight of electronic reporting
    - Verification of return to compliance (RTC)
    - Enforcement actions
  - ✓ **HSC 25404.1.1(i):**
    - Include a clear accounting of collected penalties
    - Identify how penalties are used by the CUPA
      - Administrative penalties must be used by the CUPA

      Use by other departments is considered misappropriation.

CALIFORNIA CUPA FORUM

$ingle Fee System- 15180 (15210 & 15220)

Addresses the CUPA's fee structure and identifies how the program is supported.

- Include any methods used to determine fees, program cost calculations, billing system and schedule, and fee collection process.
- Identify when the last fee study was conducted
- Include the process for determining if the fee schedule needs revision:
  - ✓ Does it include the annual Fee Accountability review? (see 15220)
- Include the process to revise the fee schedule
- Identify when the fee schedule was last updated

$ingle Fee System- 15180 (15210 & 15220)

- Include the SINGLE FEE & STATE SURCHARGE "fee dispute resolution" process between:

CUPA & PA	Regulated Business & CUPA/PA	Regulated Business & State

  - ✓ If not resolved locally, forward state surcharge disputes to the Secretary ***with a recommended resolution***.
- Identify fees for non-recurring activities
- For CUPAs with a PA, if the PA established a fee schedule, identify how the PA established fee amounts
- Identify how fees are remitted from CUPA to PA, or from PA to CUPA

CALIFORNIA CUPA FORUM

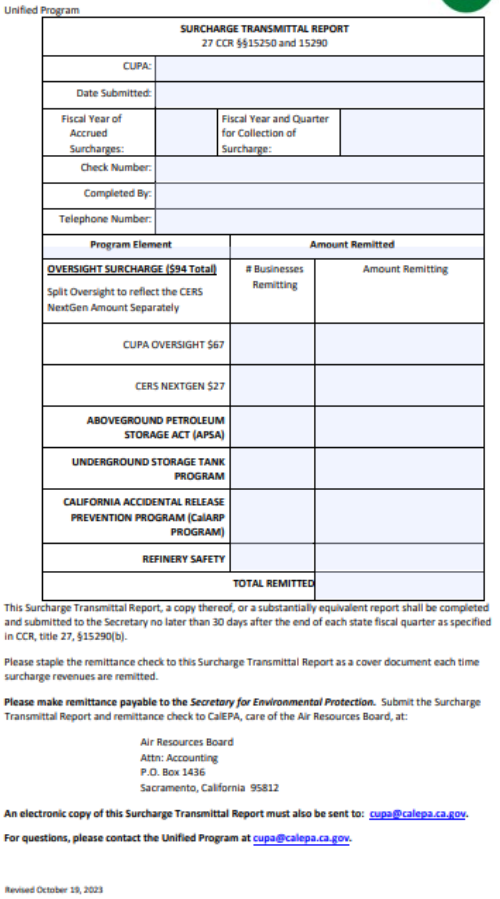
State Surcharge Collection & Remittance- 15210

- If single fee is waived/prorated, state surcharge must also be waived/prorated
- Submit a surcharge transmittal report quarterly
  - ✓ Even if there are no surcharges collected during the quarter
- Submit the Annual Single Fee Summary Report by September 30th of each year
  - ✓ Reflects the previous state fiscal year (July 1 through June 30)
  - ✓ Identify significant changes in the number of regulated businesses in a cover letter

$urcharge Collection and Remittance

Are the current state surcharge amounts being collected?

- Oversight Surcharge: $94
  - ✓ $67 for Oversight, $27 for CERS NextGen (Reported separately)
- UST Program: $20 per tank
- CalARP Program: $370 per regulated business
- APSA Program: $26 per tank facility
- Refinery Safety
  - Tier 1 (≥ 200,000 DBC): $45,000
  - Tier 2 (100,000 – 199,999 DBC): $27,500
  - Tier 3 (50,000-99,999 DBC): $13,750
  - Tier 4 (< 50,000 DBC): $3,500
- Indicate which Fiscal Year surcharges are being remitted for



Unified Program

SURCHARGE TRANSMITTAL REPORT
27 CCR §§15250 and 15290

CUPA:			
Date Submitted:			
Fiscal Year of Accrued Surcharges:		Fiscal Year and Quarter for Collection of Surcharge:	
Check Number:			
Completed By:			
Telephone Number:			

Program Element	Amount Remitted	
OVERSIGHT SURCHARGE ($94 Total) Split Oversight to reflect the CERS NextGen Amount Separately	# Businesses Remitting	Amount Remitting
CUPA OVERSIGHT $67		
CERS NEXTGEN $27		
ABOVEGROUND PETROLEUM STORAGE ACT (APSA)		
UNDERGROUND STORAGE TANK PROGRAM		
CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM (CalARP PROGRAM)		
REFINERY SAFETY		
TOTAL REMITTED		

This Surcharge Transmittal Report, a copy thereof, or a substantially equivalent report shall be completed and submitted to the Secretary no later than 30 days after the end of each state fiscal quarter as specified in CCR, title 27, §15290(b).

Please staple the remittance check to this Surcharge Transmittal Report as a cover document each time surcharge revenues are remitted.

Please make remittance payable to the *Secretary for Environmental Protection*. Submit the Surcharge Transmittal Report and remittance check to CalEPA, care of the Air Resources Board, at:

Air Resources Board
Attn: Accounting
P.O. Box 1436
Sacramento, California 95812

An electronic copy of this Surcharge Transmittal Report must also be sent to: cupa@calepa.ca.gov.

For questions, please contact the Unified Program at cupa@calepa.ca.gov.

Revised October 19, 2023

CALIFORNIA CUPA FORUM

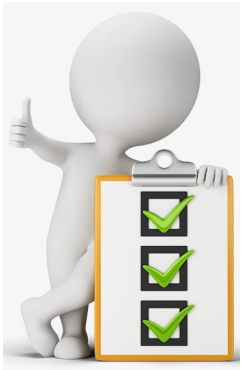
For CUPAs with PA Agreements…

- Establish and implement financial management procedures to account for PA program implementation costs and annually review the Fee Accountability Program as it pertains to each PA.
  - ✓ Title 27, Sections 15210(e), (f), (h), (i) and (k) and 15220(a)(2)
- Ensure PA staff meet applicable training and education requirements
  - ✓ Title 27, Sections 15260(c) and 15270
- Ensure the annual self-audit clearly identifies the assessment of performance for each PA
  - ✓ Title 27, Section 15280(b)
  - ✓ Review the PA agreement and determine if any revisions are needed to reflect current practice, including withdrawal/removal of the PA (see 15180(e)(5))

CALIFORNIA CUPA FORUM

For CUPAs with PA Agreements…

- Ensure each PA completely and accurately reports inspection, violation and enforcement information to the CUPA, or to CERS.
  - ✓ Title 27, Sections 15290(a)(3)(A), (a)(3)(A)(i) and (a)(3)(B)
  - ✓ Address how CME information from PA(s) will be reported to CERS in the Data Management Procedure
- When applicable, ensure a Formal Enforcement Summary is provided to CalEPA for enforcement taken by the PA
  - ✓ Title 27, Sections 15300
- Does current implementation reflect a PA agreement approved by the Secretary?



CUPA-to-State Reporting - 15290

- Ensure Quarterly Surcharge Transmittal Reports are submitted:
  - ✓ Within 30 days of the end of each Fiscal Quarter
  - ✓ To **CalEPA**: cupa@calepa.ca.gov **AND** **California Air Resources Board**:

    Air Resources Board
    Attn: Accounting
    P.O. Box 1436
    Sacramento, California 95812
- Submit the Annual Single Fee Summary Report by September 30th of each year.
- Submit formal enforcement actions and complete Formal Enforcement Summary Reports for any actions that have received a final judgement
  - ✓ Not applicable to statewide enforcement cases

CALIFORNIA CUPA FORUM

Changes in Implementation- 15300

- The CUPA must notify the Secretary and obtain approval prior to:
  - ✓ Changes to implementation of a program element
  - ✓ Replacing or adding a PA

CALIFORNIA CUPA FORUM

The Biggest Tip…

- **Just ask!**
- Regulations and requirements are vague
- CalEPA Team Leads have seen dozens of procedures from across the state
- CalEPA has an archive of good examples for all administrative procedures (including I&E Plans and Self-Audit reports)

CALIFORNIA CUPA FORUM

Contact Information

CalEPA Unified Program: CUPA@calepa.ca.gov

CERS Help: CERS@calepa.ca.gov

John Paine (Program Manager)
john.paine@calepa.ca.gov
(916) 327-5092

Melinda Blum (Supervisor)
melinda.blum@calepa.ca.gov
(916) 327-9560

CalEPA Team Leads and State Evaluators have answers and examples!!

Tim Brandt (Team Lead Evaluator)
timothy.brandt@calepa.ca.gov
(916) 323-2204

Kaeleigh Pontif (Team Lead Evaluator)
kaeleigh.pontif@calepa.ca.gov
(916) 803-0623

Jess Snow (Team Lead Evaluator)
jessica.snow@calepa.ca.gov
(916) 460-2394

CALIFORNIA CUPA FORUM

If You Have Questions…

To ensure we can present all information from each state agency, please be patient and ask questions at the end of the full presentation.

~ Thank YOU

Any Questions?

Please stop by the CalEPA Booth!

27th California Unified Program Annual Training Conference
March 24-27, 2025

State Water Resources Control Board
UST Evaluation and Assessment Process

Magnolia Busse
Michelle Suh
UST Leak Prevention Unit

UST Evaluation Updates

Single-walled UST system focused

Outreach to CUPAs

- CERS training
- Report 6 Training
- Field Training
- ICC Training

CUPA UST Evaluation webpage

Updated Supplemental Questionnaire

UST Evaluation Updates

State Water Resources Control Board (State Water Board)

Underground Storage Tank (UST) Program:

1. What parts of the UST Program are being implemented exceptionally well by the CUPA?
2. What parts of the UST Program could the State Water Board assist the CUPA with to improve implementation?

Single-Walled and Abandoned USTs:

1. What is the strategy for ensuring all single-walled UST systems are removed before the December 31, 2025 deadline?
2. What is the enforcement process if a single-walled UST has not been removed by the December 31, 2025 closure deadline?
3. How many abandoned USTs are there and how are they being inspected and tracked?

Inspections:

1. How is a compliance inspection scheduled if staff are unavailable to meet on the date/time of the 48-hour notice?

Enforcement:

1. Have all enforcements (red tag, AEO, or case referral to attorney or other agency to take administrative, civil, or criminal enforcement action) applied within the last three years been uploaded to CERS?

Training:

1. What is the training process for new inspectors conducting UST inspections?
2. What is the process for maintaining training for each UST inspector?

CUPA

Performance Evaluation

Supplemental Questionnaire

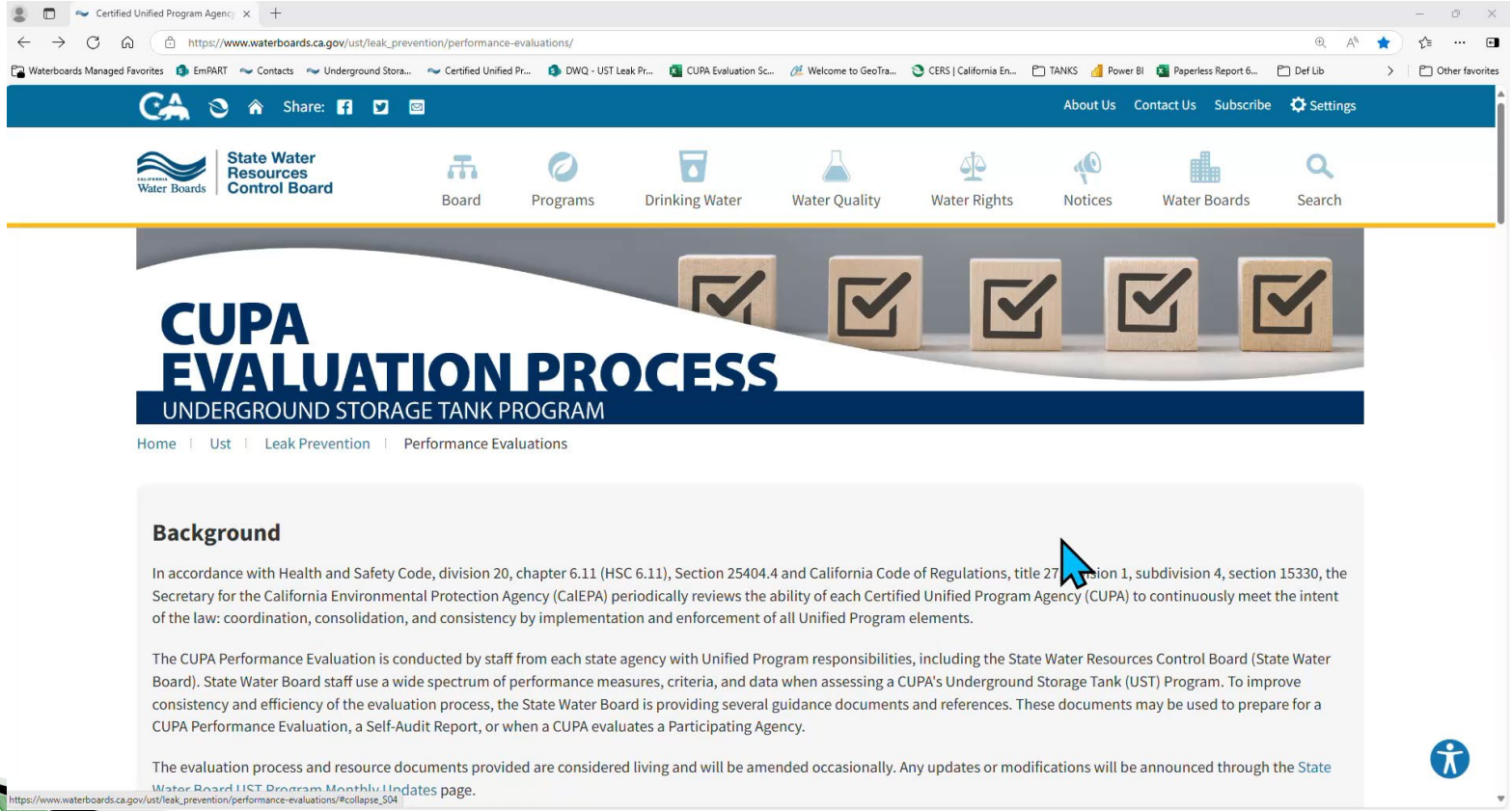
3. Describe any training staff have attended that has been provided by other CUPA representatives.
4. Are all UST inspection staff signed up for the UST Email Subscription at: https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=ust?

CALIFORNIA CUPA FORUM

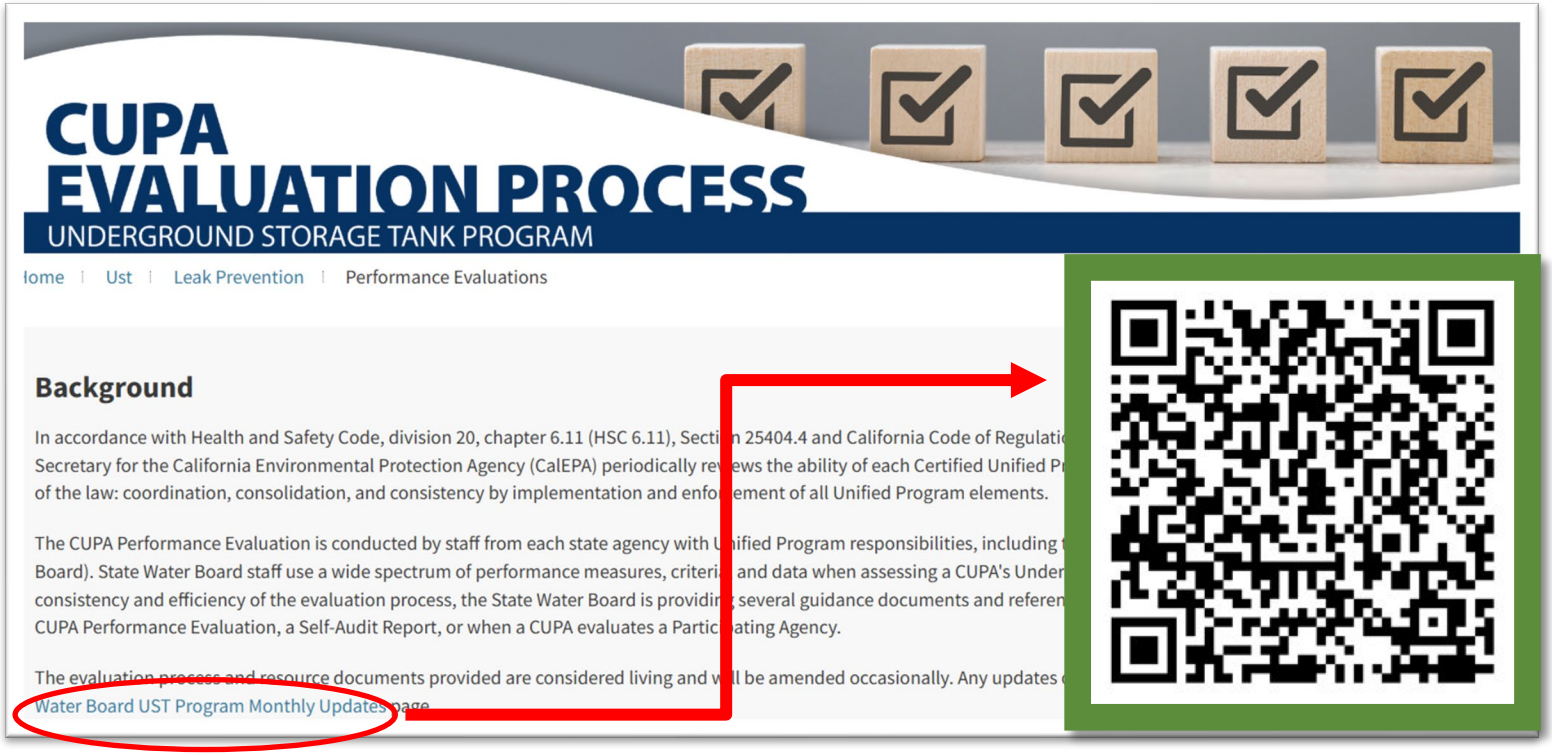
UST Evaluation Process Website

CALIFORNIA CUPA FORUM

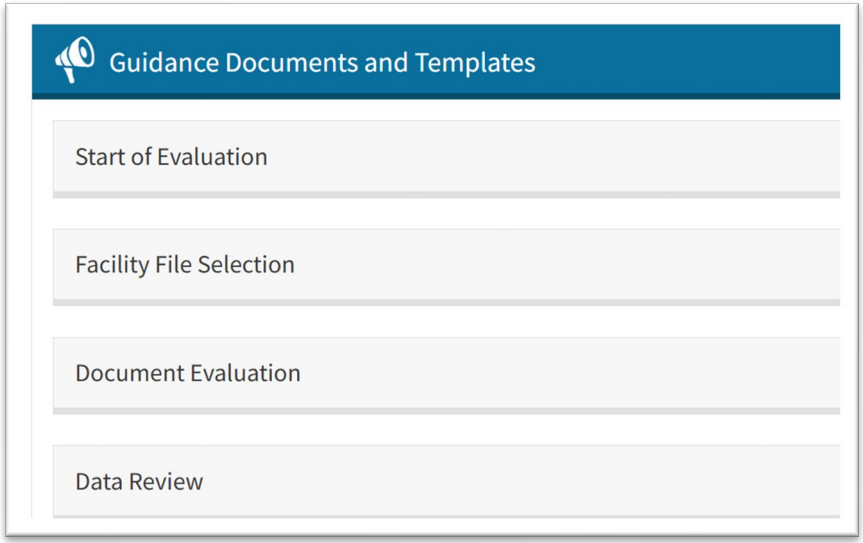
UST Evaluation Process Website

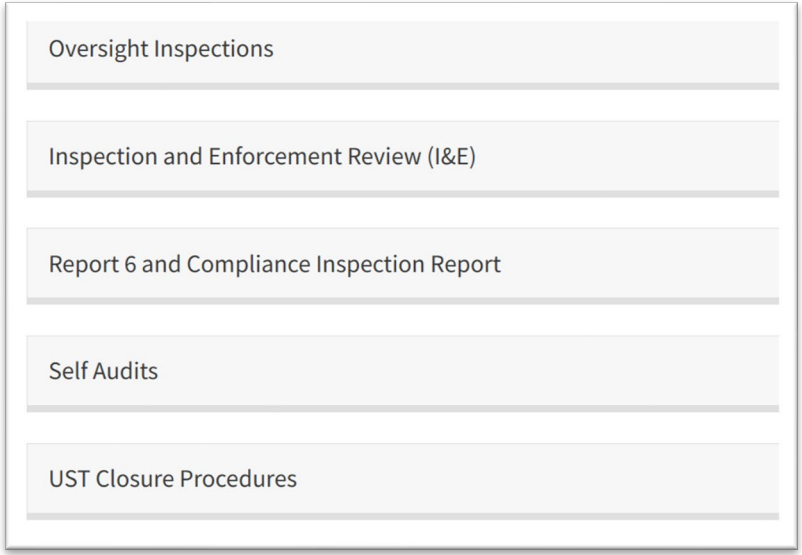


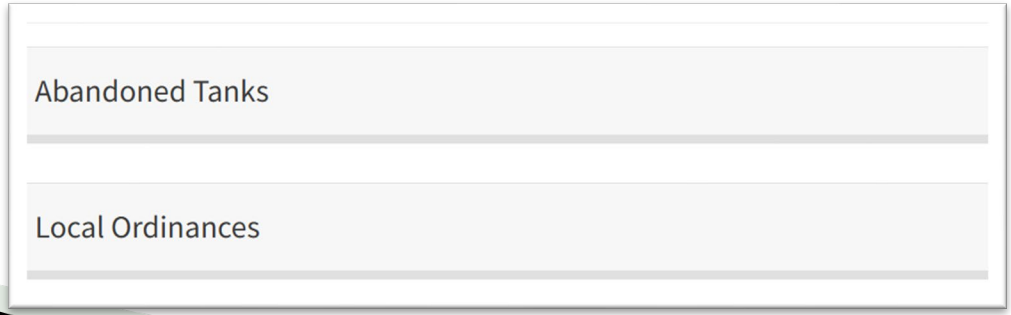
UST Program Monthly Updates



UST Evaluation Process Website







CALIFORNIA CUPA FORUM

UST Evaluation Process Website

Evaluation Links

- CalEPA CUPA Performance Evaluations
- Acronym Library

Statutes, Regulations, and Local Guidance Letters

- Underground Storage of Hazardous Substances (Health & Safety Code,
- UST Regulations (CCR, Title 23, Chapter 16) (October 1, 2020)
- Local Guidance (LG) Letters
- CCR, Title 27, Article 8, Section 15330

List of Acronyms and Terms

AEO	Administrative Enforcement Order
CalEPA	California Environmental Protection Agency
CCR	California Code of Regulations
CERS	California Environmental Reporting System
CUPA	Certified Unified Program Agency
ELD	Enhanced Leak Detection
FSOF	Final Summary of Findings
HSC	Health and Safety Code
I&E	Inspection and Enforcement
LG	Local Guidance
PSOF	Preliminary Summary of Findings
RTC	Return to Compliance
SOF	Summary of Findings
SWRCB	State Water Resource Control Board
TCR	Technical Compliance Rate
UPA	Unified Program Agency
UPFP	Unified Program Facility Permit
UST	Underground Storage Tank
UST CME	Inspection, Violation, Enforcement data
USEPA	United States Environmental Protection Agency

Water Boards | State Water Resources Control Board

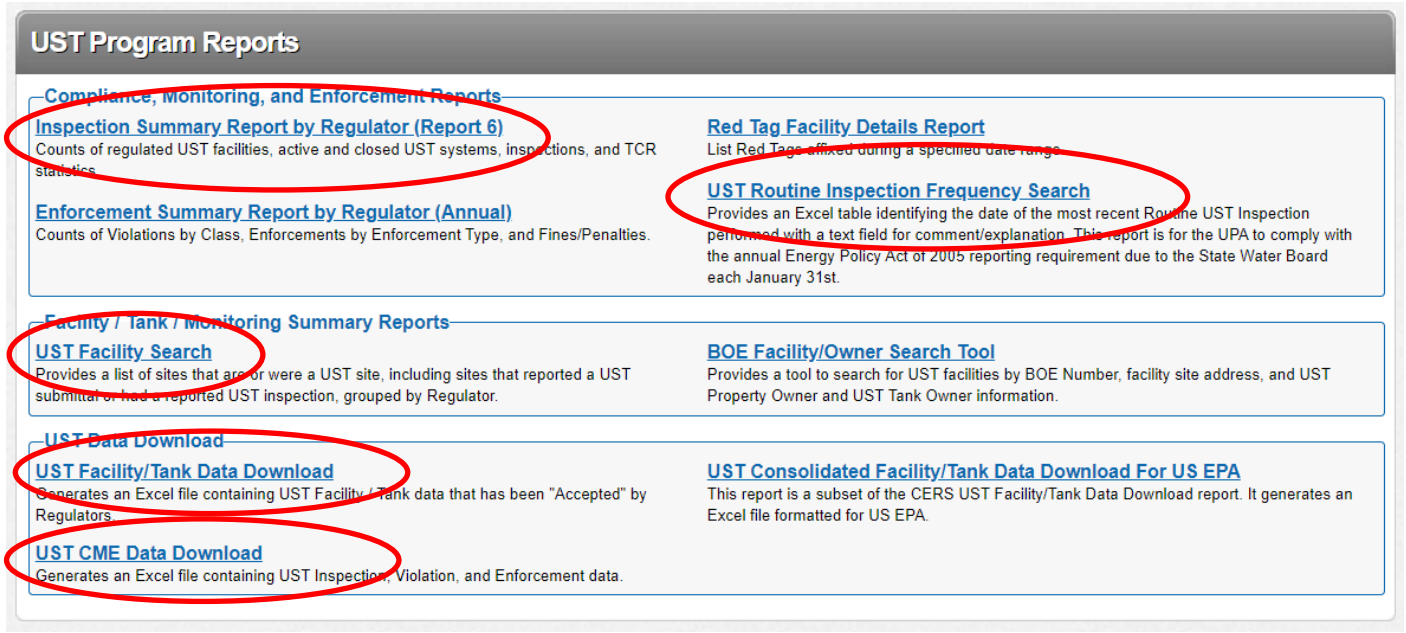
CALIFORNIA CUPA FORUM

File Review

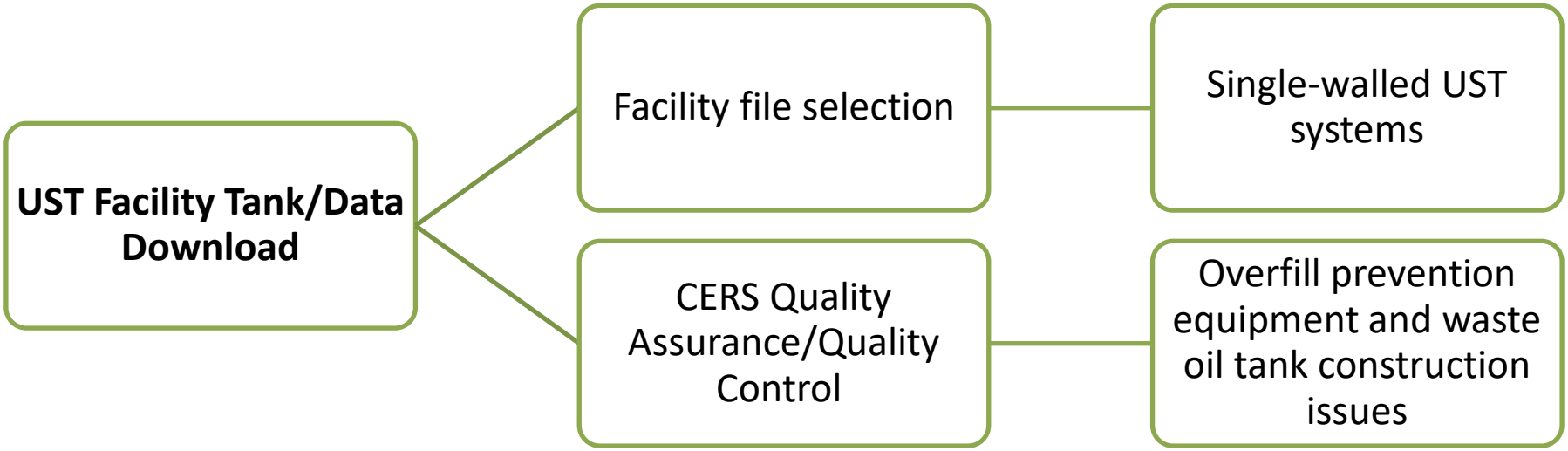
I&E Plan	Data Management Procedures	Staff ICC records
Permit Procedures	UST Operating Permit	Inspection reports
Test reports	Closure Procedures and Documents • Temporary Closure • Permanent Closure	Correspondence

CALIFORNIA CUPA FORUM

CERS Reports



CERS Reports



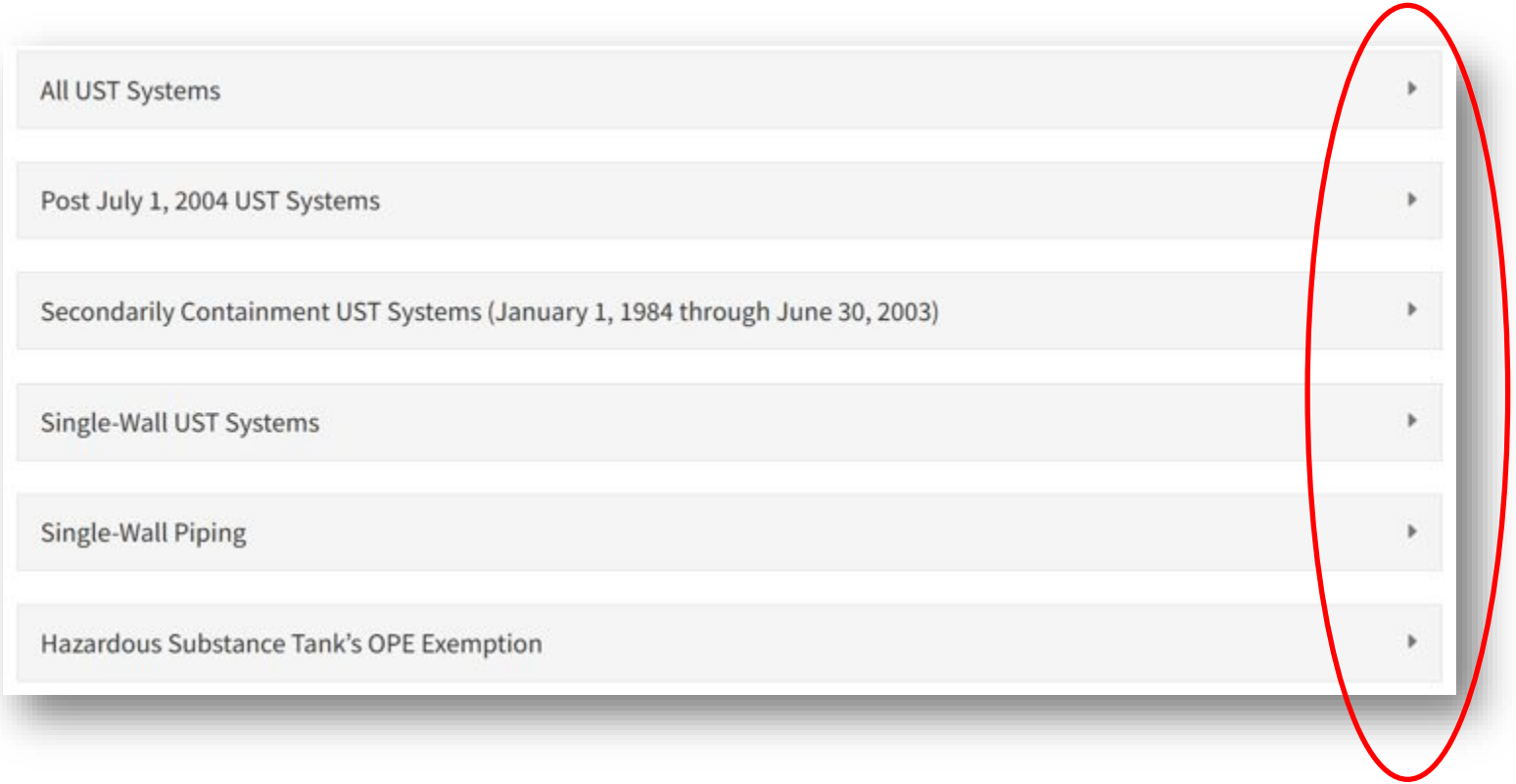
Facility File Selection

- Randomly selected
- Single-walled USTs
- Government Owned Tanks
- UST Construction/Design

UST Facility Files Requested

	Number of Files Requested	
Number of UST Facilities	**Minimum**	**Maximum**
1 to 10	5	All
11 to 100	7	15
101 to 250	10	20
251 to 750	15	30
751 to 1000+	20	50

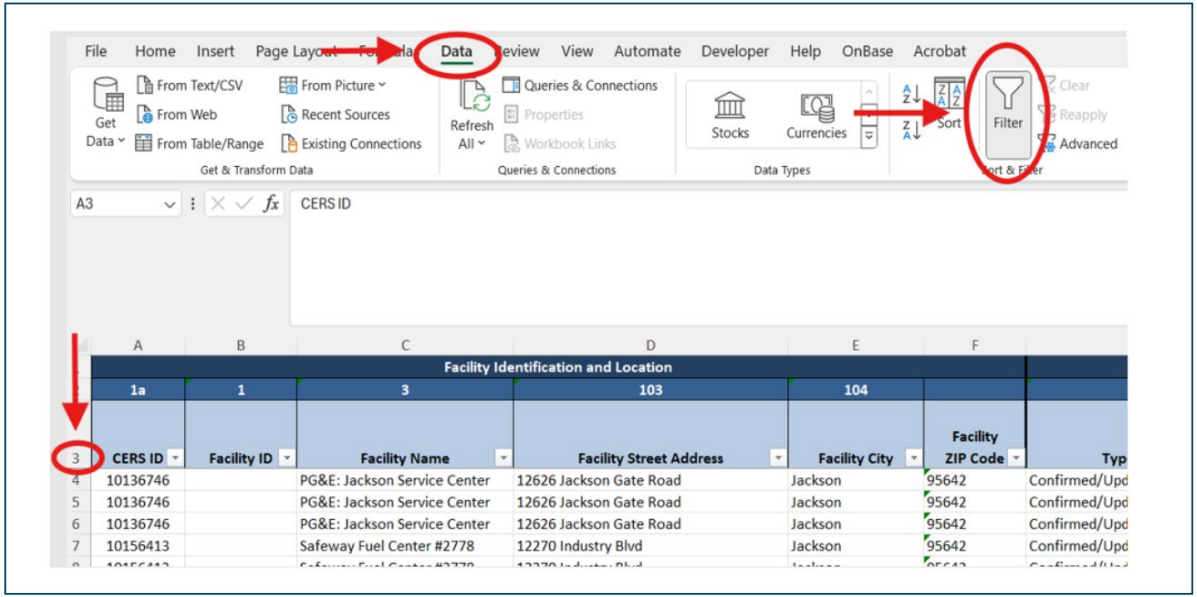
CERS QAQC



CALIFORNIA CUPA FORUM

Overfill Prevention Equipment & Waste Oil Tanks

5. Select row 3 (highlight entire row), go to the **Data** tab at the top, and then selec
now see a drop-down arrow (for filtering) in each of the columns.



Overfill Prevention Equipment & Waste Oil Tanks

6. Find columns **452a (Audible/Visual Alarms)**, **452b (Ball Float)**, **452c (Fill Tube Shut-Off Valve)**, and **452d (Exempt)** and filter for the follo

a. USTs citing **Ball Float** only:

i. 452a: **No**

ii. 452b: **Yes**

iii. 452c: **No**

iv. 452d: **No**

		Tank Overfill Prevention						Product / Waste Piping Construction		
2	445a	452a	452b	452c	452d	460	458	464	464a	464b
3	ther Secondary Containment Construction	Audible/ Visual Alarm	Ball Flo	Fill Tube Shut-Off Valve	Exemp	Piping Construction	Piping System Type	Primary Containment Construction	Other Primary Containment Construction	Secondar Containme Constructi
432		No	Yes	No	No	Double-walled	Pressure	Fiberglass		Fiberglass
433		No	Yes	No	No	Double-walled	Pressure	Fiberglass		Fiberglass
434		No	Yes	No	No	Double-walled	Pressure	Fiberglass		Fiberglass
1336		No	Yes	No	No	Double-walled	Gravity	Fiberglass		Fiberglass
1739		No	Yes	No	No	Single-walled	Pressure	Fiberglass		Fiberglass
1740		No	Yes	No	No	Single-walled	Pressure	Fiberglass		Fiberglass
1741		No	Yes	No	No	Single-walled	Pressure	Fiberglass		Fiberglass
2276										
2277										
2278										
2279										
2280										
2281										

CALIFORNIA CUPA FORUM

CERS Reports

UST Inspection Frequency Search

Annual inspection rate

UST Facility Search

- Column H (Owner or Operate UST) is "N“
- Column J (UST Reporting Requirement) is "Not Applicable“
- Column N (UST Permanently Closed Date) includes a date

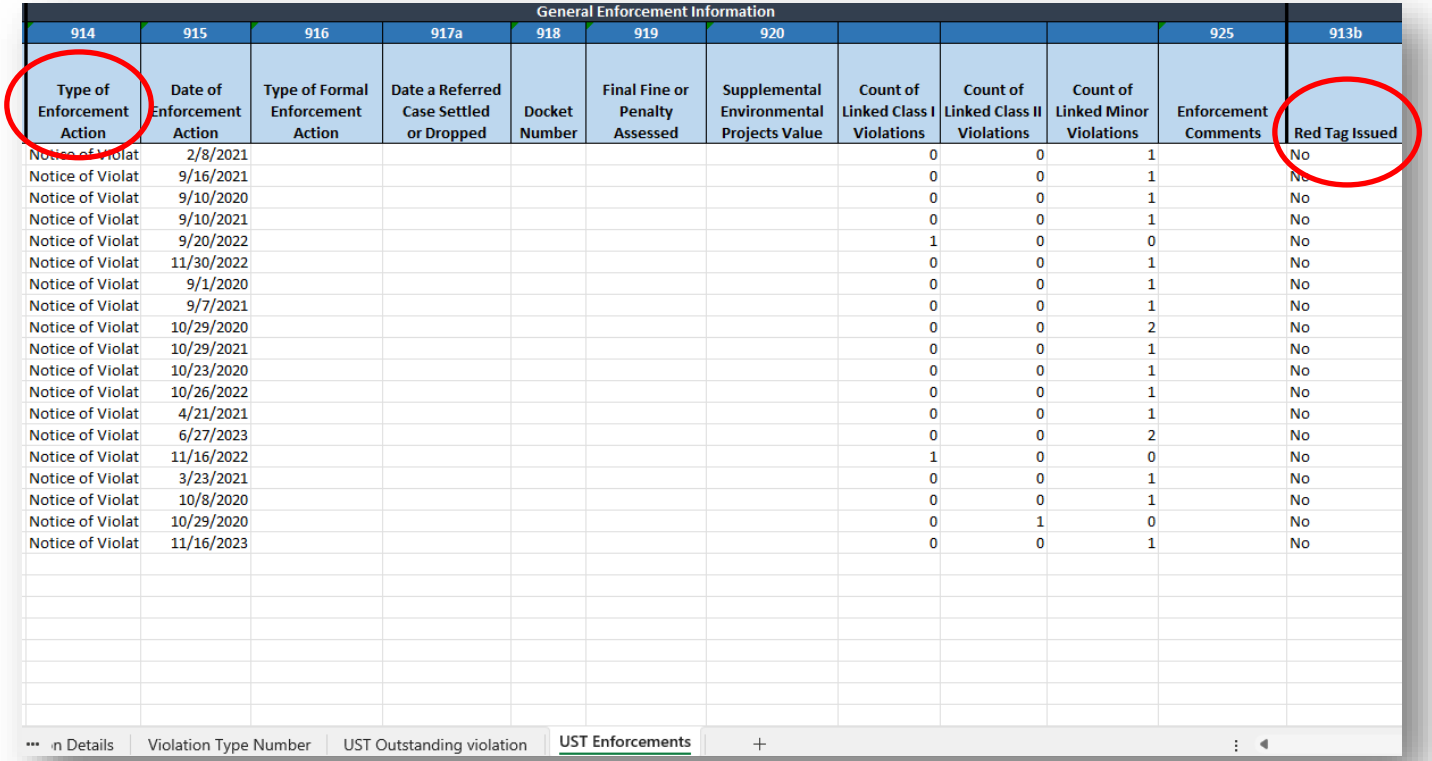
CERS REPORTS

UST CME Data Download			
Return to Compliance	Violation Information	Not Resolvable	Enforcement Actions

Violation Information

CERS ID	Violation Type Number	Class	Violation Date	Scheduled Return to Compliance Date	Actual Return to Compliance Date	Days to RTC	Actual Return to Compliance Qualifier
10138287	2030040	Minor	8/12/2015	12/30/2015	3/16/2016	217	Documented
10149381	2030043	Minor	10/5/2018	11/6/2018		#NUM!	
10166269	2030025	Minor	1/30/2020	1/30/2020	1/30/2020	0	Documented
10166269	2030043	Minor	1/30/2019	3/4/2019	6/17/2019	138	Documented
10195654	2030047	Minor	6/18/2020	7/20/2020		#NUM!	
10195654	2030016	Class 1	6/28/2016	7/28/2016	5/12/2017	318	Documented
10195654	2030035	Minor	6/9/2021	7/9/2021		#NUM!	
10229101	2030035	Minor	10/9/2018	11/9/2018		#NUM!	
10229104	2030035	Minor	10/25/2018	11/26/2018	10/25/2018	0	Observed

Enforcement Actions

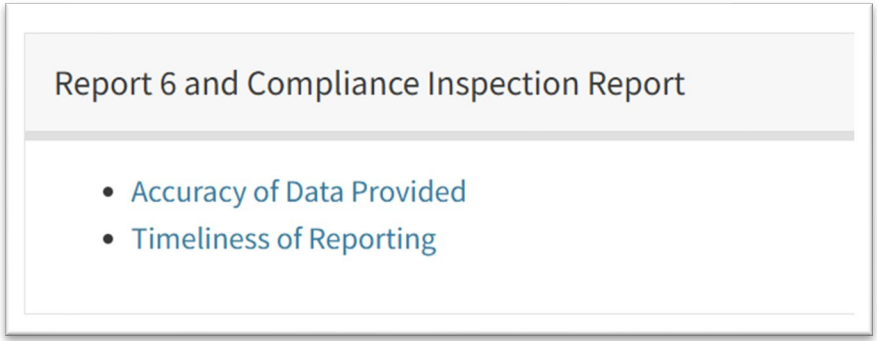


General Enforcement Information											
914	915	916	917a	918	919	920				925	913b
Type of Enforcement Action	Date of Enforcement Action	Type of Formal Enforcement Action	Date a Referred Case Settled or Dropped	Docket Number	Final Fine or Penalty Assessed	Supplemental Environmental Projects Value	Count of Linked Class I Violations	Count of Linked Class II Violations	Count of Linked Minor Violations	Enforcement Comments	Red Tag Issued
Notice of Violat	2/8/2021						0	0	1		No
Notice of Violat	9/16/2021						0	0	1		No
Notice of Violat	9/10/2020						0	0	1		No
Notice of Violat	9/10/2021						0	0	1		No
Notice of Violat	9/20/2022						1	0	0		No
Notice of Violat	11/30/2022						0	0	1		No
Notice of Violat	9/1/2020						0	0	1		No
Notice of Violat	9/7/2021						0	0	1		No
Notice of Violat	10/29/2020						0	0	2		No
Notice of Violat	10/29/2021						0	0	1		No
Notice of Violat	10/23/2020						0	0	1		No
Notice of Violat	10/26/2022						0	0	1		No
Notice of Violat	4/21/2021						0	0	1		No
Notice of Violat	6/27/2023						0	0	2		No
Notice of Violat	11/16/2022						1	0	0		No
Notice of Violat	3/23/2021						0	0	1		No
Notice of Violat	10/8/2020						0	0	1		No
Notice of Violat	10/29/2020						0	1	0		No
Notice of Violat	11/16/2023						0	0	1		No

n Details | Violation Type Number | UST Outstanding violation | UST Enforcements | +

Report 6

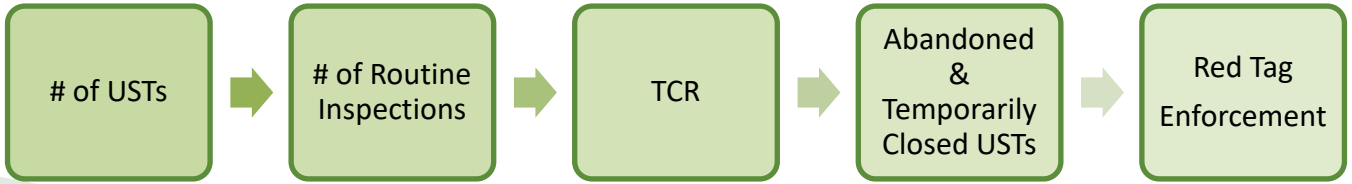
Timely Reporting	Accuracy of Reporting	Technical Compliance Rate
• March 1 • September 1	• Rejections • Revisions	• CA vs CUPA



Report 6

	A	B	C	D	E	F	G	H	I
1	Run Date: 2/19/2025 8:07:54 AM								
2	Inspection Date Range: 7/1/2024 To 12/31/2024								
3									
4	Regulator	# of Active Regulated Facilities	# Active Petroleum Systems	# Closed Petroleum Systems	Petroleum Systems reclassified under APSA	# Active Haz Sub Systems	# Closed Haz Sub Systems	Haz Systems reclassified under APSA	# Routine Inspections
5	[redacted]	727	2088	9	0	32	2	0	353

Technical Compliance Rate Determinations							
9a Spill Prevention	9b Overfill Prevention	9c Corrosion Protection	9d Release Detection	9e Technical Compliance Rate	10 DO/Owner Training	11 Financial Responsibility	12 DO Inspection
298	322	353	239	190	337	320	328
298	**322**	**353**	**239**	**190**	**337**	**320**	**328**



Report 6

Routine Inspections

- Typically, one annually
- Align with Routine Inspection Frequency Search

TCR without RTC

- Report during next routine inspection

UST Count Discrepancies

- Confirm install and closure dates

Report 6 Rejection

A	B	C	D	E	F	G	H	I
Regulator	CERSID	# Active Petroleum Systems	# Closed Petroleum Systems	Petroleum Systems reclassified under APSA	# Active Haz Sub System	# Closed Haz Sub System	Haz Systems reclassified under APSA	# Routine Inspections
	10130134	4	0	0	0	0	0	2
	10192468	1	0	0	0	0	0	3
	10192537	3	0	0	0	0	0	2
	10192561	2	0	0	0	0	0	3
	10192603	3	0	0	0	0	0	3
	10192783	3	0	0	0	0	0	2
	10192966	3	0	0	0	0	0	1
	10193236	3	0	0	0	0	0	4
	10193251	2	0	0	0	0	0	2
	10193536	0	0	0	0	0	0	4
	10207090	1	0	0	0	0	0	1

What will result in a rejected Report 6?

- Incomplete Forms
- Outdated Forms
- Inaccurate Data

CALIFORNIA CUPA FORUM

Oversight Inspections

- Coordinate with CUPA
- Review CERS off-site
- Review UST facility information with CUPA
- Observe CUPA inspection
- Follow-up with testing documents

Common Issues

UST Operating Permit

- Citations
  - Ch. 6.75, Ch. 17, Ch. 18
- References
  - Non-transferrable language
- Conditions
  - Report any unauthorized release

Common Issues

Inspection Reports	• Incorrect violation type numbers cited • Missed violations
Testing Documents	• Missing training/Certification • Discrepancies with CERS • Missing Reports (ELD, Tank Lining, etc.)
I&E	• Penalty matrix • UST regulation and HSC references
Report 6	• Late Reporting • Inspection Frequency

Summary of Findings

Deficiencies/Incidental findings

- Enforcement
- Inspection quality
- UST operating permit
- Report 6
- I&E Plan
- OPE and waste oil tank construction

Observations

- Number of remaining single-walled USTs
- “Not Resolvable” RTC qualifier
- Oversight

Evaluation Progress Report Process

Common issues:

Missing corrective action items/resolutions

Unresolved deficiencies/findings

- Reassessed during next evaluation

"Closed, but not corrected"

- Does not guarantee deficiency or finding is carried to next evaluation

Looking Forward

Continue improving the UST evaluating program

Focus on enforcement

Provide support for all CUPA UST programs

Provide training

Provide a positive, constructive, and beneficial evaluation experience

CALIFORNIA CUPA FORUM

Contact Information

UST Evaluation Team

Magnolia Busse:
magnolia.busse@waterboards.ca.gov

Kaitlin Cottrell:
kaitlin.cottrell@waterboards.ca.gov

Michelle Suh:
michelle.suh@waterboards.ca.gov

Tom Henderson:
tom.henderson@waterboards.ca.gov

What we have planned…

9:20 - 9:30 10 Minute BREAK

9:30 - 10:00 HMBP and CalARP Program Assessment
10:00 - 10:30 HWG Program Assessment
10:30 - 10:45 HWG Program Appendix of Deficiency Detail
10:45 - 10:55 10 Minute BREAK
10:55 - 11:25 APSA Program Assessment
11:25 - 11:45 Questions & Answers

27th California Unified Program Annual Training Conference
March 24-27, 2025

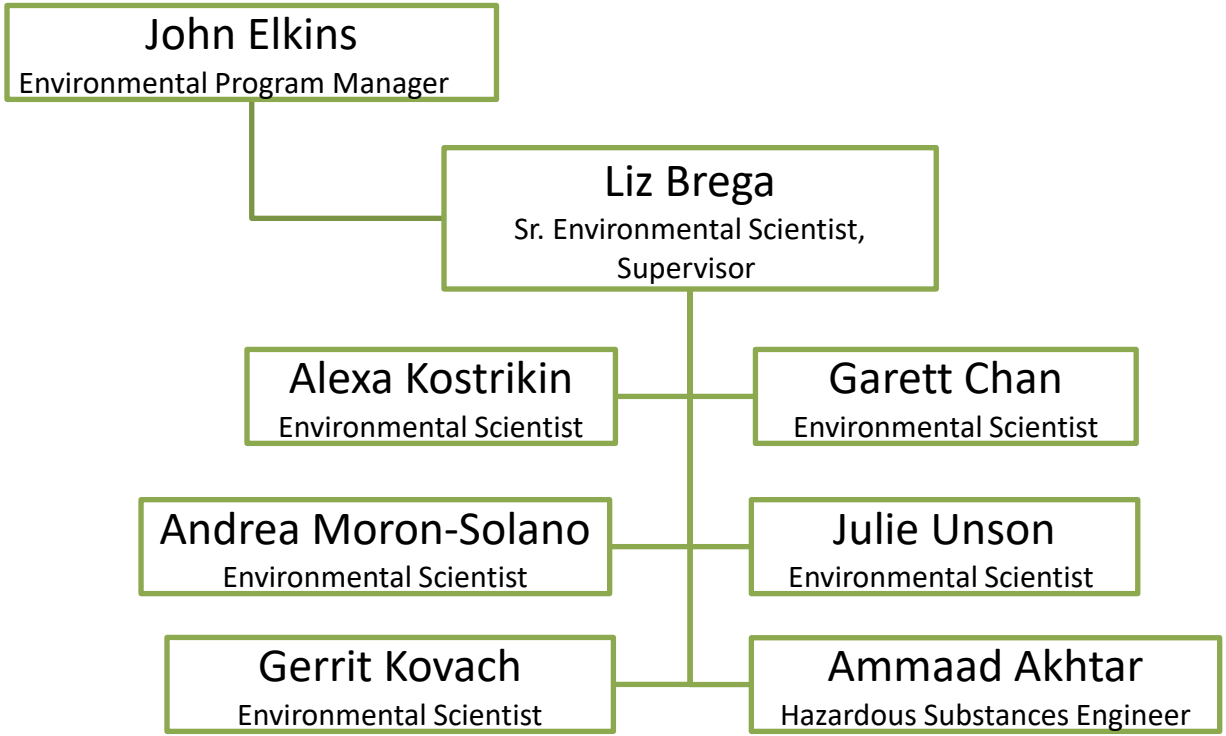
Hazardous Materials Business Plan and California Accidental Release Prevention Program Assessment

Andrea Morón-Solano, Environmental Scientist, HMBP/CalARP Unit
Garett Chan, Environmental Scientist, HMBP/CalARP Unit

CalEPA
California Environmental Protection Agency

27th California Unified Program Annual Training Conference
March 24-27, 2025

HMBP/CalARP Unit Overview



Introduction and Overview

Presentation Information
Introduction
HMBP Evaluation Process •Including Area Plan Review
CERS Data Evaluation Overview
CalARP Evaluation Process
CERS Data Evaluation Overview
HMBP/CalARP Unit Contacts and Website

HMBP/CalARP Unit Highlights

- Hazardous Materials Business Plan (HMBP), including Area Plan
  - Health and Safety Code, Division 20, Chapter 6.95, Article 1, Sections 25500-25519
  - California Code of Regulations, Title 19, Division 5, Chapter 1, Article 2 and 3, Sections 5020.1-5030.11

- California Accidental Release Prevention (CalARP) Program
  - Health and Safety Code, Division 20, Chapter 6.95, Article 2, Sections 25531-25543.3
  - California Code of Regulations, Title 19, Division 5, Chapter 2, Articles 1-11, Sections 5050.1-5160.1

Changes to HMBP/CalARP Title 19 Regulation

- Assembly Bill 148
- Office of Administrative Law (OAL) approved rulemaking package pursuant to CCR, Title 1, Section 100
- Updates do not materially alter any requirement, right, responsibility, condition, prescription, or regulatory element.
- Regulatory crosswalk available on website

HMBP/CalARP Unit Goals

- Ensure fair and consistent statewide implementation of the HMBP and CalARP programs
- Develop resources for CUPAs and industry
- Ensure transparency in how we conduct our CUPA evaluations

Performance Evaluation Highlights

- Ensure adequacy of implementation of the HMBP and CalARP programs
- Conduct a review of facility files
- Conduct a review of the area plan
- Conduct a review of the Inspection and Enforcement (I&E) Plan

HMBP Evaluation Process

Health and Safety Code, Division 20, Chapter 6.95, Article 1, Sections 25500-25519

California Code of Regulations, Title 19, Division 5, Chapter 1, Article 2 and 3, Sections 5020.1-5030.11

27th California Unified Program
Annual Training Conference
March 24-27, 2025

Overview of HMBP Elements Evaluated

- Ensure annual HMBP submittals and certification
- Ensure each HMBP facility has been inspected at least once in the last three years
- Review facility files
  - Ensure the accuracy and completeness of submittals
  - Ensure inspection reports are consistent with CERS
  - Ensure exemptions are properly reported and recorded
- Review prior performance evaluations

Evaluation of HMBP Submittal and Inspection Frequency

- Business Plan submittals and certification [HSC Sections 25508(a)(2) and 25508.2]
  - Ensure HMBPs are submitted or certified annually
- Inspections [HSC Section 25511]
  - Ensure a routine inspection is conducted at least once every three years
    - Or more frequently if established under local ordinance or the Inspection & Enforcement Plan

Review of Facility Files – HMBP Submittals

HMBP Submittal Completeness Review:

- Inventory [HSC Section 25505(a)(1)]
- Site Map [HSC Section 25505(a)(2)]
- Emergency Response Plan [HSC Section 25505(a)(3)]
- Employee Training Program [HSC Section 25505(a)(4)]

Review of Facility Files – HMBP Inspections

Inspection Report Review:

- Citations
- Violations
- Return to Compliance
- Notes

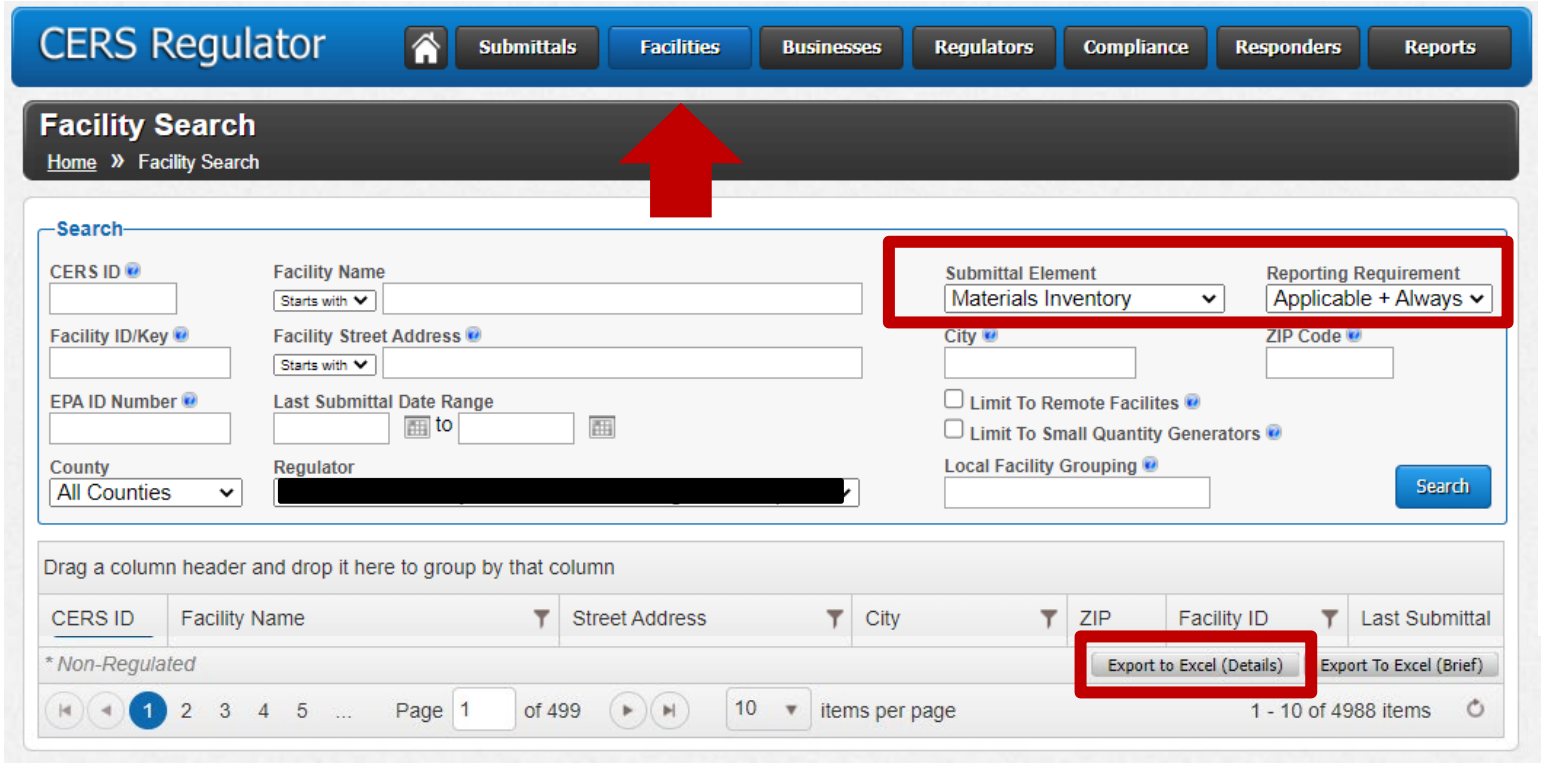
HMBP Oversight Inspections

- Coordinate with the CUPA to arrange oversight inspections
- Observe inspector performance in conducting a complete, thorough, and adequate inspection

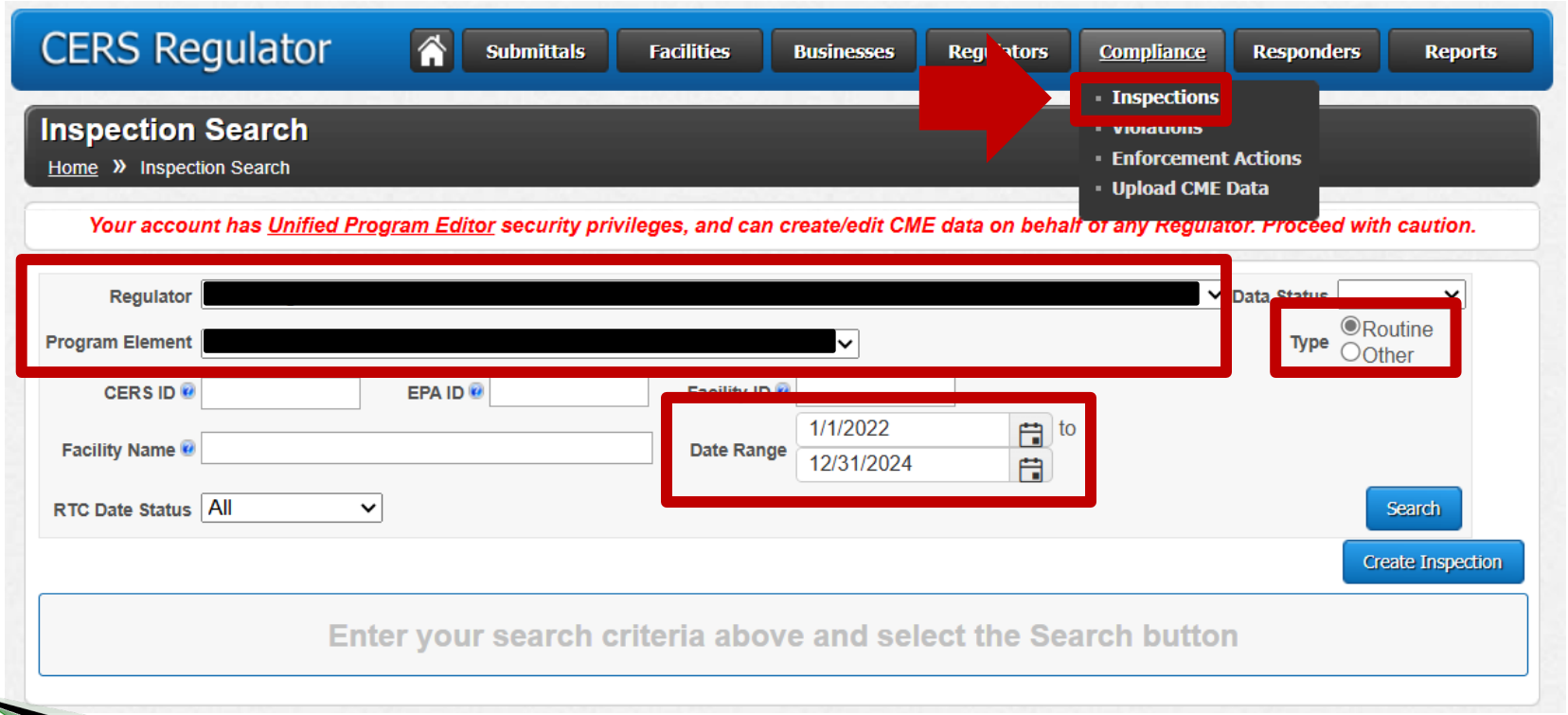
Overview of Area Plan Requirements Evaluated

- Ensure the Area Plan has been reviewed and certified within the last three years [HSC Section 25503 (d)(2)]
- Ensure all required elements are contained in the Area Plan [19 CCR Sections 5020.1-5020.8]

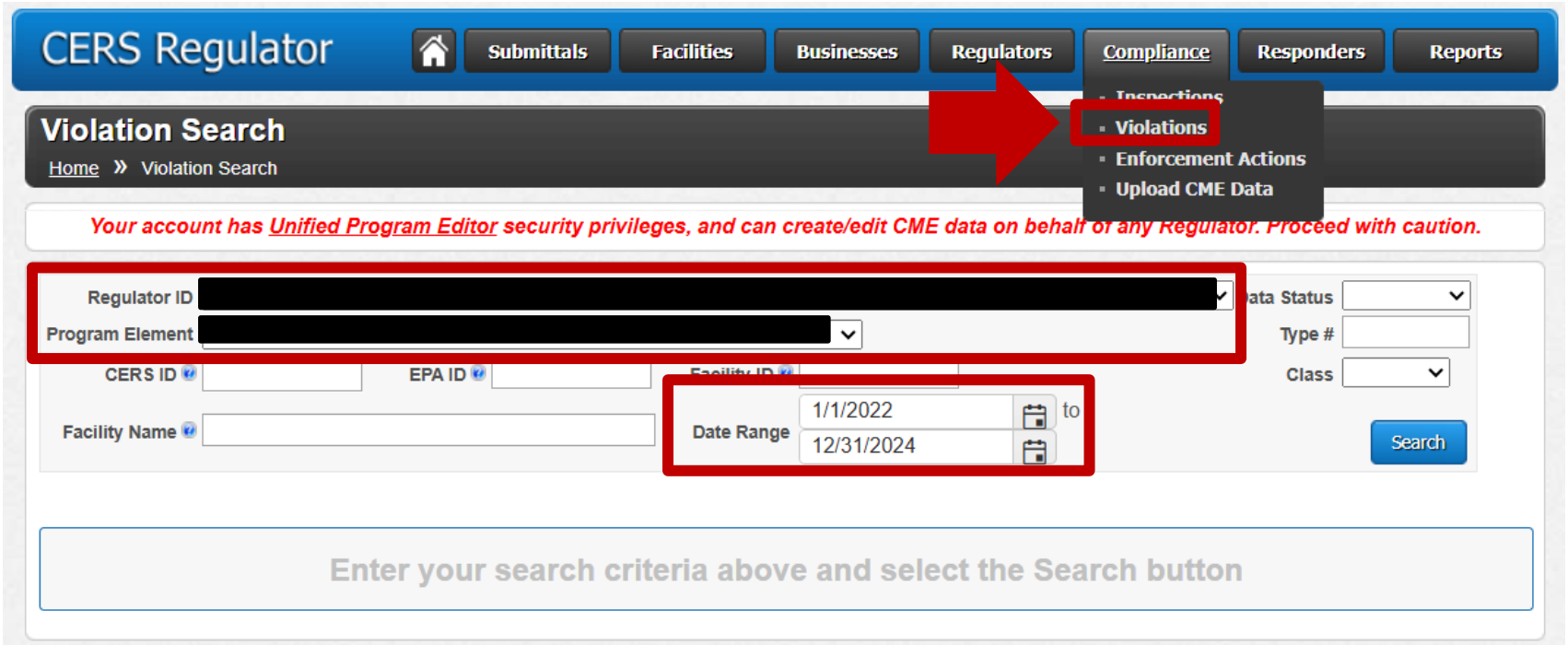
CERS Data Review – Facilities



CERS Data Review - Inspections



CERS Data Review - Violations



CalARP Evaluation Process

Health and Safety Code, Division 20, Chapter 6.95, Article 2, Sections 25531-25543.3

California Code of Regulations, Title 19, Division 4, Chapter 2, Articles 1-11, Sections 5050.1-5160.1

CALIFORNIA CUPA FORUM

27th California Unified Program Annual Training Conference
March 24-27, 2025

Overview of CalARP Elements Evaluated

- Ensure each CalARP facility has been inspected at least once in the last three years
- Ensure CUPAs annually conduct an audit of their activities to implement the CalARP program
- Review prior performance evaluations

Overview of CalARP Requirements Evaluated

- Review facility files
  - Ensure inspection reports are consistent with CERS
  - Ensure exemptions are properly reported and recorded
- Ensure proper implementation of the CalARP program

Evaluation of CalARP Inspection Frequency

- Inspections [HSC Section 25537(a)]
  - Ensure a routine inspection is conducted at least once every three years
    - Or more frequently if established under local ordinance or the Inspection & Enforcement Plan

CalARP Performance Audit

- Ensure the CUPA conducts an annual self-audit of its activities to implement the CalARP program [19 CCR Section 5150.5 (b)]
- Conduct a completeness review of the performance audit [19 CCR Section 5150.5 (b)]

Risk Management Plan

- Ensure each stationary source has updated their RMP every 5 years [19 CCR Sections 5070.11(a)(1) and (b)(1)]

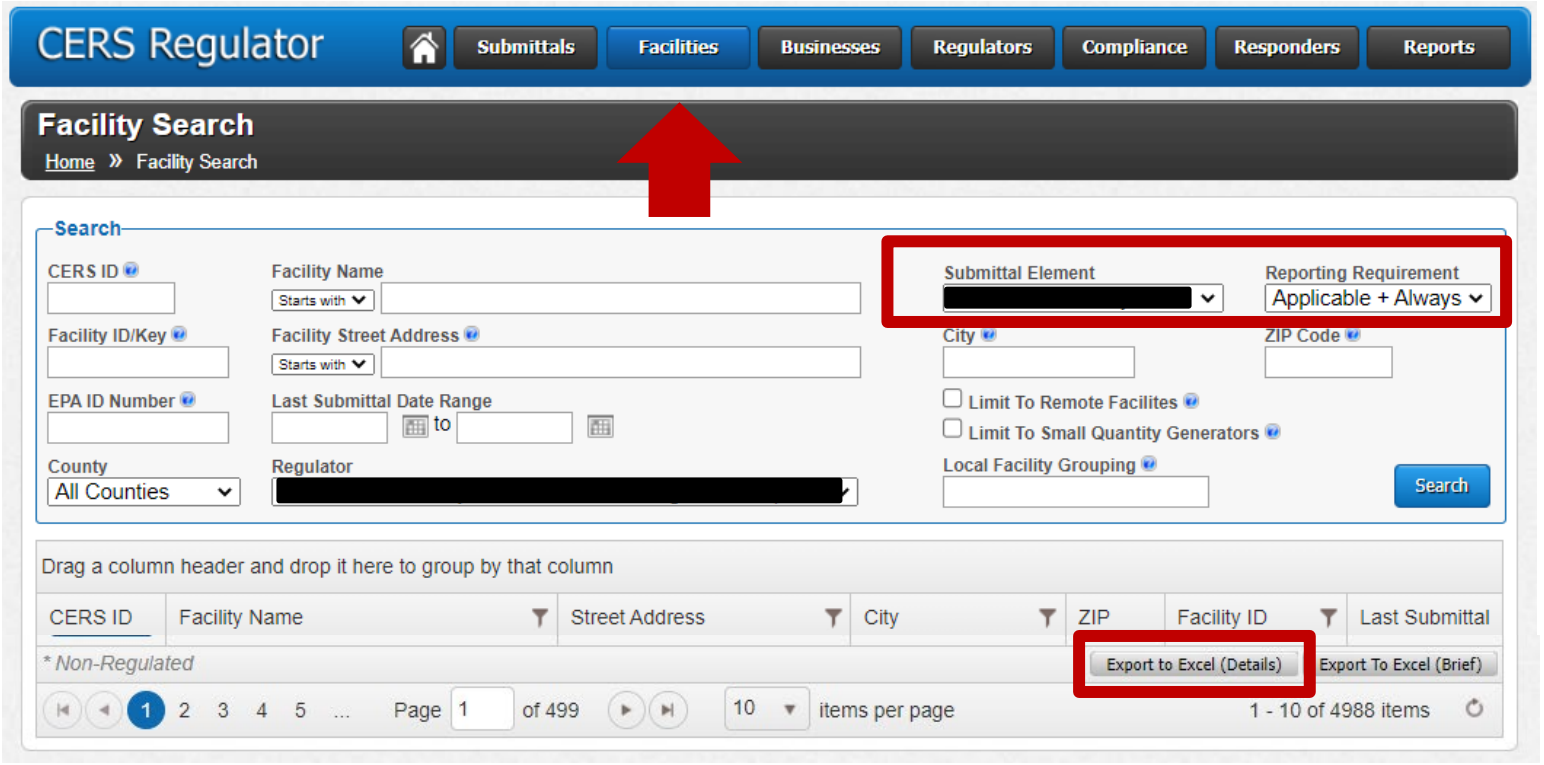
Review of Facility Files - CalARP Inspections

- Inspection Report Review:
  - Citations
  - Violations
  - Return to Compliance
  - Notes

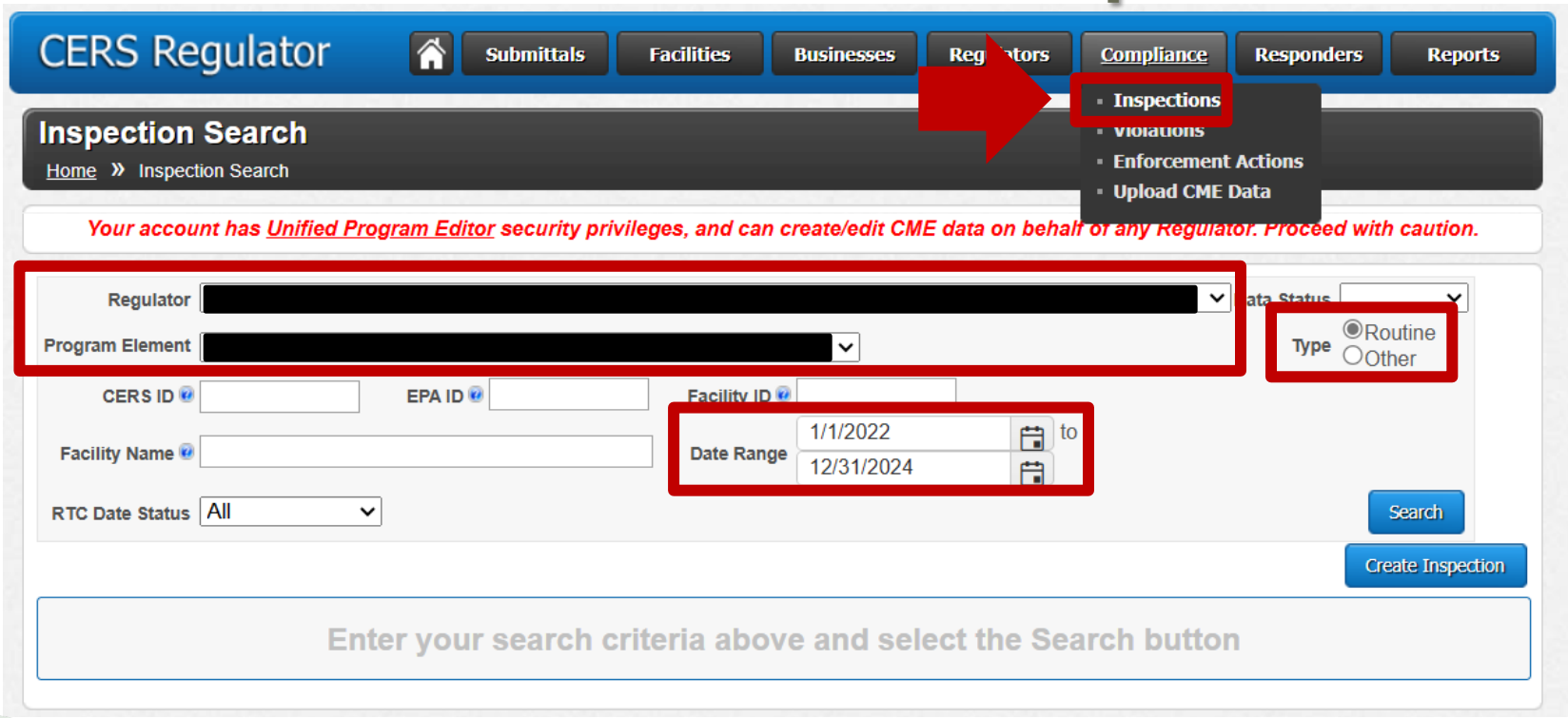
CalARP Oversight Inspections

- Coordinate with the CUPA to arrange oversight inspections
- Observe inspector performance in conducting a complete, thorough, and adequate inspection

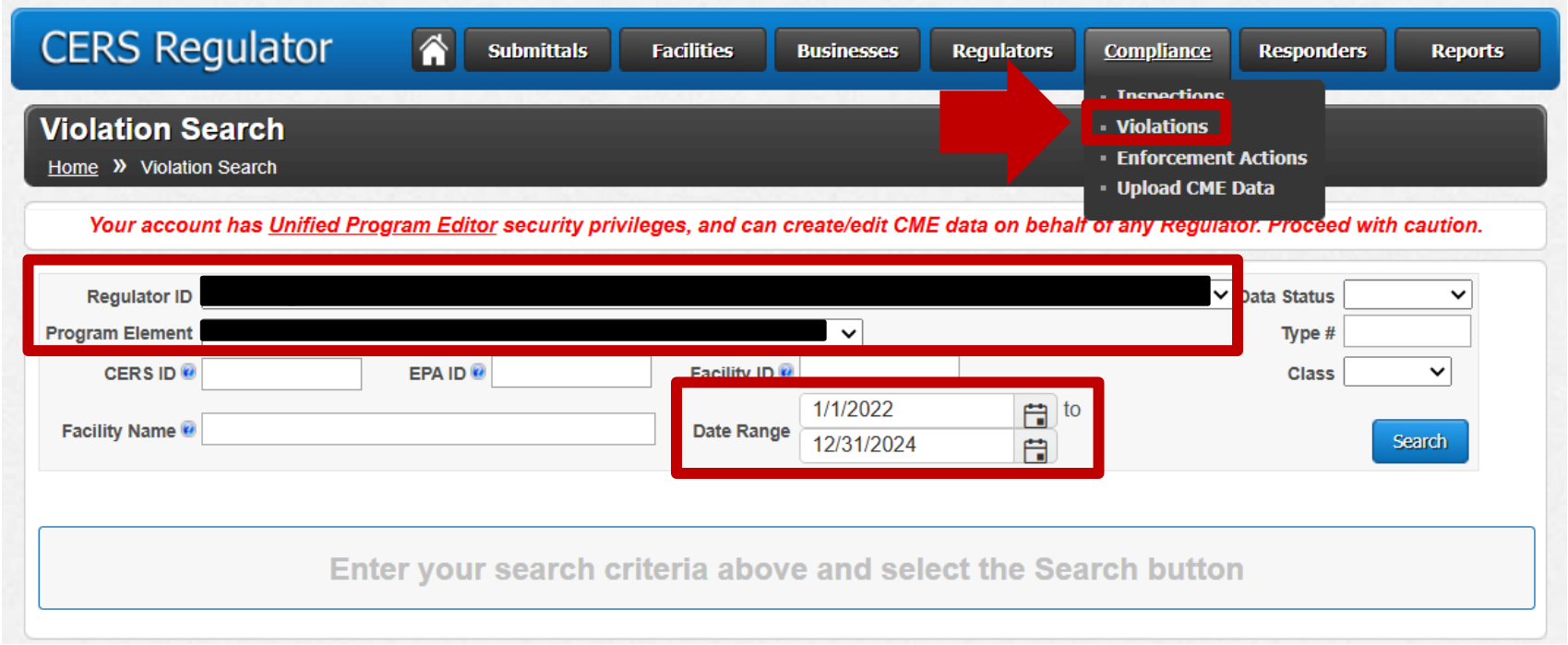
CERS Data Review – Facilities



CERS Data Review - Inspections



CERS Data Review - Violations



Contact HMBP/CalARP Unit Staff

- Visit the HMBP and CalARP webpages for more information

HMBP Program Website

HMBP Program Listserv

CalARP Program Website

CalARP Program Listserv

Contact HMBP/CalARP Unit Staff

If you have any questions regarding the HMBP or CalARP programs, please contact: HMBP@calepa.ca.gov or CalARP@calepa.ca.gov

John Elkins (Program Manager)
john.elkins@calepa.ca.gov
(916) 804-8349

Liz Brega (Supervisor)
elizabeth.brega@calepa.ca.gov
(916) 318-8156

Alexa Kostrikin
alexa.kostrikin@calepa.ca.gov
(916) 883-0957

Ammaad Akhtar
ammaad.akhtar@calepa.ca.gov
(916) 883-0960

Andrea Moron-Solano
andrea.moron-solano@calepa.ca.gov
(916) 318-9346

Garett Chan
garett.chan@calepa.ca.gov
(916) 318-8352

Gerrit Kovach
gerrit.kovach@calepa.ca.gov
(916) 307-7144

Julie Unson
julieann.unson@calepa.ca.gov
(916) 866-0013

The CUPA Performance Evaluation and Assessment Process

TH-D/1

March 27, 2025

Mia Goings, Senior Environmental Scientist (Specialist);
Pheleep Sidhom, Environmental Scientist

27th California Unified Program
Annual Training Conference
March 24-27, 2025

Table of Contents

Department of Toxic Substances Control

- Purpose
- The Evaluation Process
- CERS Compliance, Monitoring, and Enforcement (CME) Data
- Common Findings
- Suggestions

Purpose

Department of Toxic Substances Control

- California Code of Regulations
- Evaluate CUPA Performance Regularly[1]
- Ensure CUPA Statewide Consistency[2]
- Conformity to Inspection Standards[3]
- Quality Local Environmental Protection

[1] Cal. Code Regs., tit. 27, section 15330(a).
[2] Cal. Code Regs., tit. 27, section 15100(b)(1).
[3] Cal. Code Regs., tit. 27, section 15200(c)(1) and (2).

The Evaluation Process

Department of Toxic Substances Control

- Prepare Facility File Request
- Evaluation Timeframe
- 5+ Assorted Facilities
- Referred Complaints
- Compiled in Enclosure 2
- Notice and Enclosure 1[4]

[4] Cal. Code Regs., tit. 27, section 15330(b)(1).

The Evaluation Process

Department of Toxic Substances Control

- Kickoff Meeting
- Introductions
- Plans for Oversight Inspections[5]
- CUPA Presentation
- Supplemental Questionnaire
- Meet and Initiate Evaluation

[5] Cal. Code Regs., tit. 27, section 15330(b)(3)(A).

The Evaluation Process

Department of Toxic Substances Control

- Follow-Up Information Request
- Missing or Incomplete Items[6]
- Inspection & Enforcement (I&E) Plan
- Spreadsheets and Documents Complete
- Correct Facility Files Uploaded

[6] Cal. Code Regs., tit. 27, section 15330(b)(1)(A) and (B).

The Evaluation Process

Department of Toxic Substances Control

- Oversight Inspections[7]
- Optional Training Offered
- Preparation and Coordination
- Inspection Activities
- Inspector Knowledge and Conduct
- Documentation and Follow-Up

[7] Cal. Code Regs., tit. 27, section 15330(b)(3)(A) and 15200(c)(1) and (2).

The Evaluation Process

Department of Toxic Substances Control

- CERS CME Data Reports
- Download SharePoint Files
- Inspection Percentage Calculation[8]
- Return to Compliance Percentage
- Generator Universe Analysis
- 45-Day Review of Notifications[9]

[8] Cal. Code Regs., tit. 27, section 15100(b)(1)(G).
[9] Cal. Code Regs., tit. 22, section 67450.2(b)(4) and 67450.3(d).

The Evaluation Process

Department of Toxic Substances Control

- I&E Plan Review
- Inspection Frequencies Correct[10]
- Enforcement Procedures Complete[11]
- Procedures for Addressing Complaints[12]
- Sampling Capability Provisions

[10] Cal. Code Regs., tit. 27, section 15200(a)(2)(A) and (B) and (e).
[11] Cal. Code Regs., tit. 27, section 15200(a)(5) et seq.
[12] Cal. Code Regs., tit. 27, section 15200(a)(10) and (11).

The Evaluation Process

Department of Toxic Substances Control

- Facility File Review[13]
- Review Inspection Reports[14]
- Program Element and Consent
- Violation Details and Classifications
- Return to Compliance Information
- Compare to CERS[15]

[13] Cal. Code Regs., tit. 27, section 15330(b)(2).
[14] Health & Saf. Code section 25185(c)(2)(A) and (3).
[15] Cal. Code Regs., tit. 27, section 15290(d).

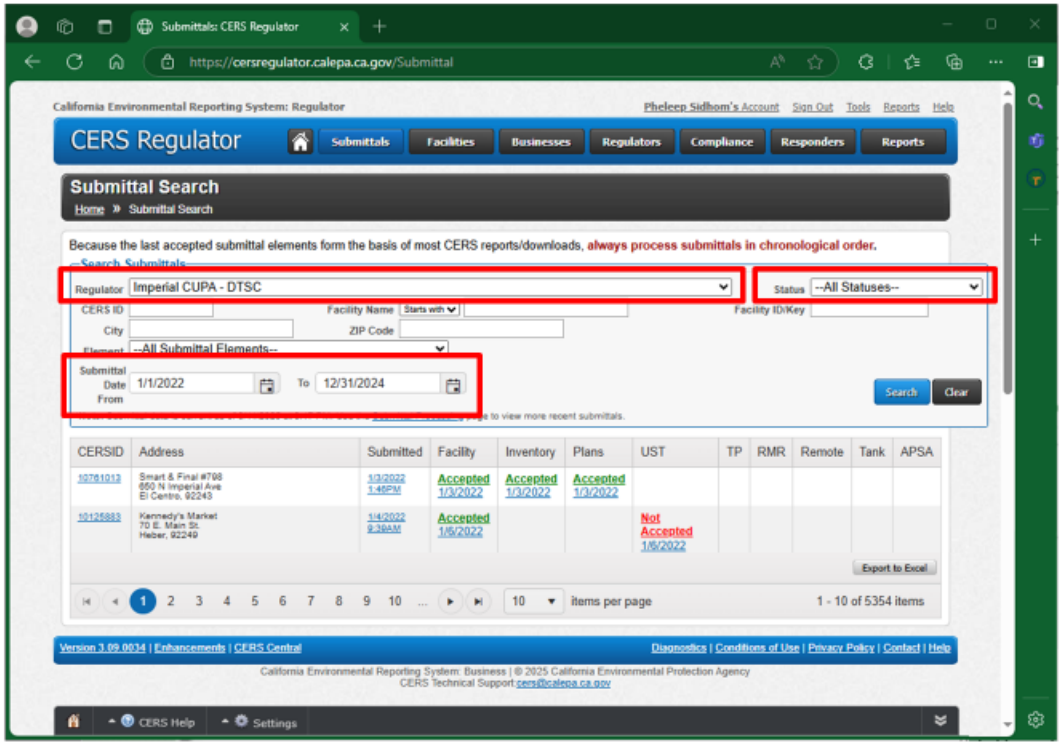
The Evaluation Process

Department of Toxic Substances Control

- Review Formal Enforcement
- Review Previous Evaluation
- Preliminary Summary of Findings[16]
- Questions & Answers (Q&A) Meeting[17]
- Exit Briefing
- Evaluation Progress Reports[18]

[16] Cal. Code Regs., tit. 27, section 15330(b)(5).
[17] Cal. Code Regs., tit. 27, section 15330(b)(4).
[18] Cal. Code Regs., tit. 27, section 15330(b)(6).

CERS CME Data



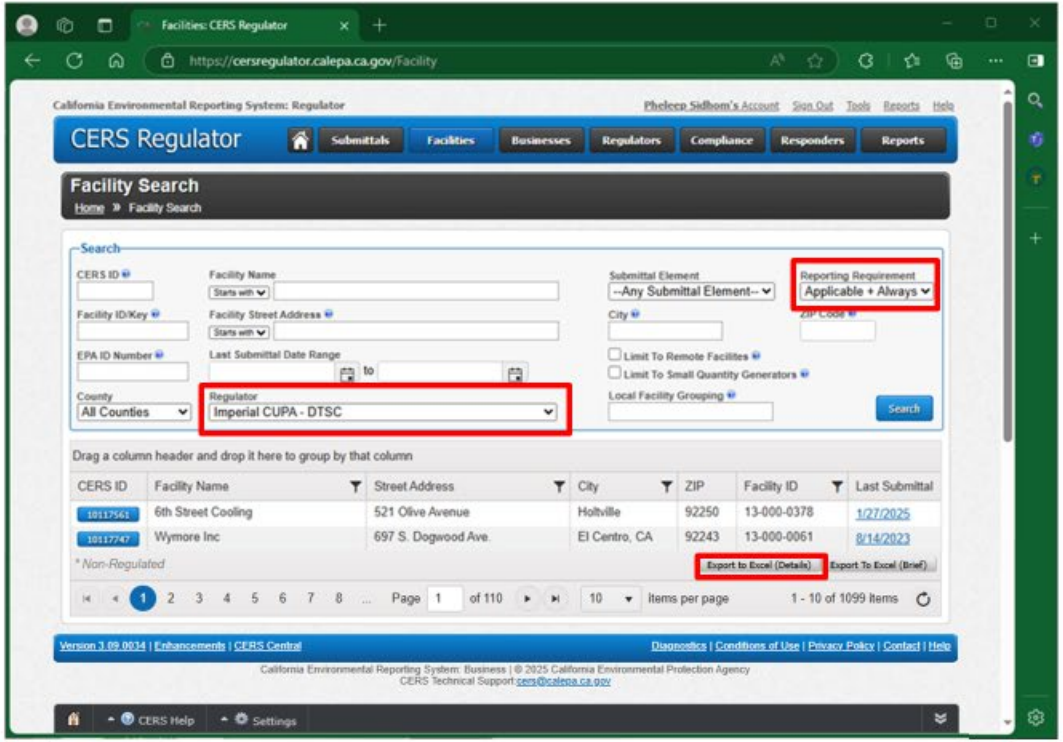
Department of Toxic Substances Control

CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program Annual Training Conference
March 24-27, 2025

CERS CME Data



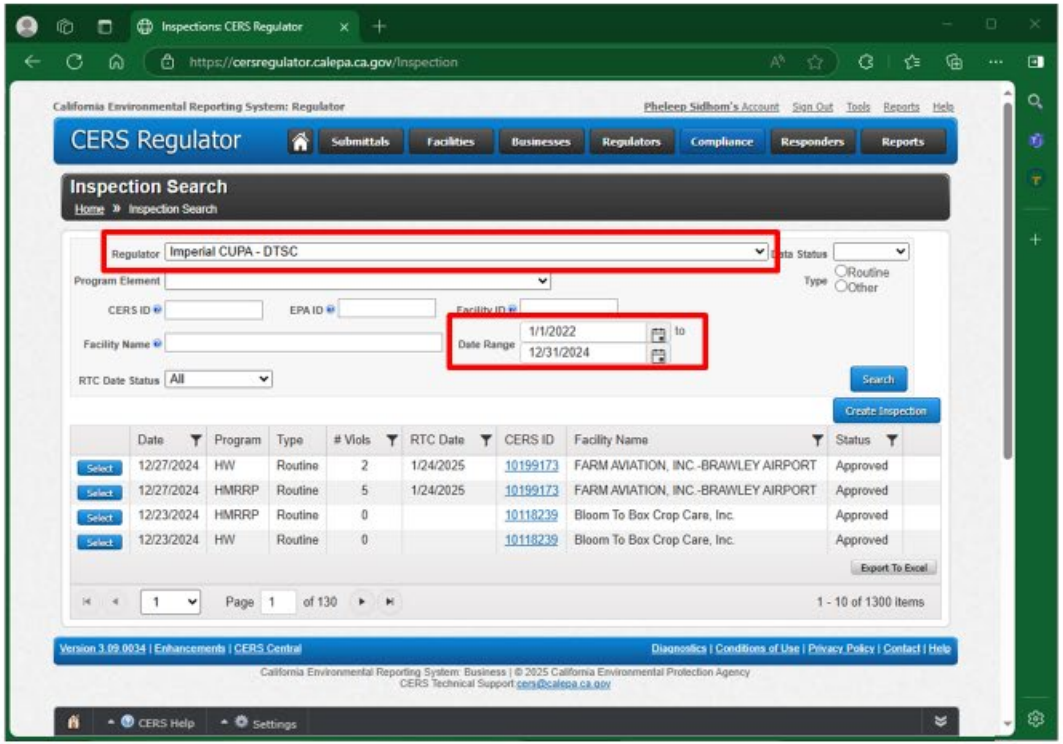
Department of Toxic Substances Control

CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program Annual Training Conference
March 24-27, 2025

CERS CME Data



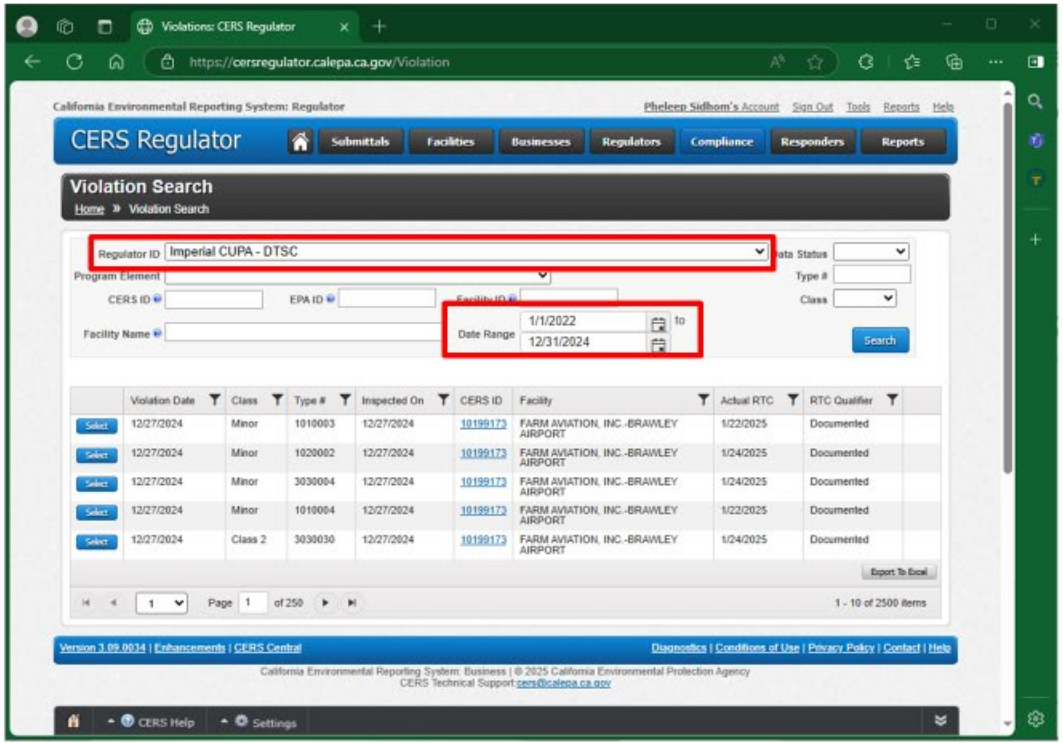
Department of Toxic Substances Control

CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program Annual Training Conference
March 24-27, 2025

CERS CME Data



Department of Toxic Substances Control

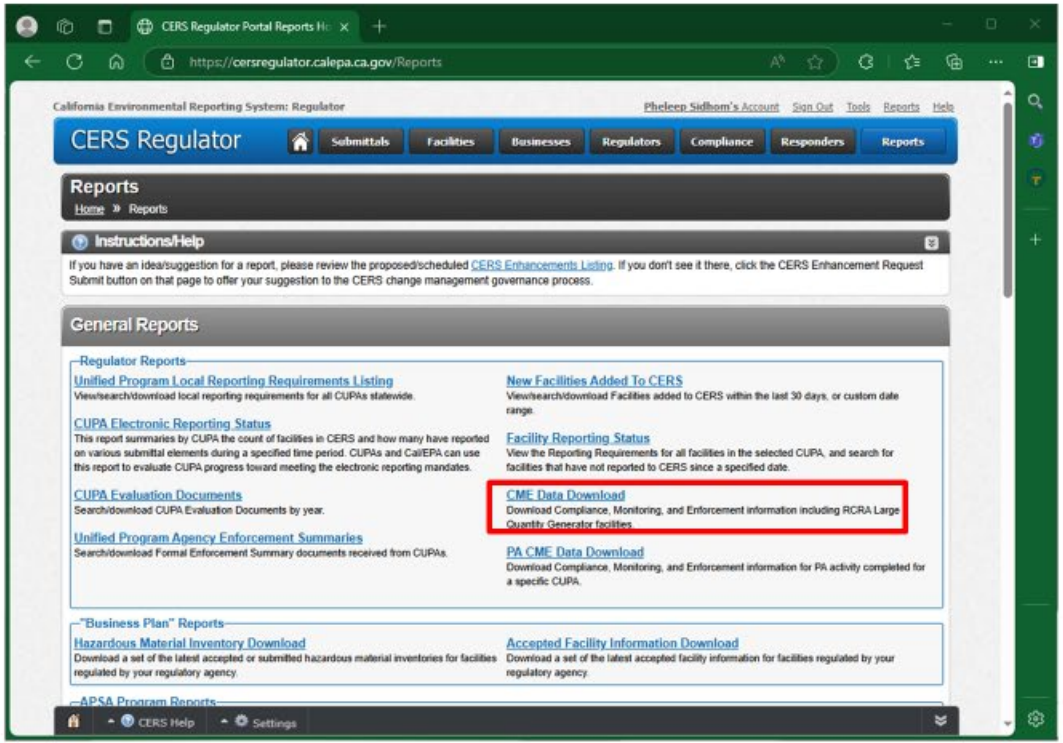
CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control



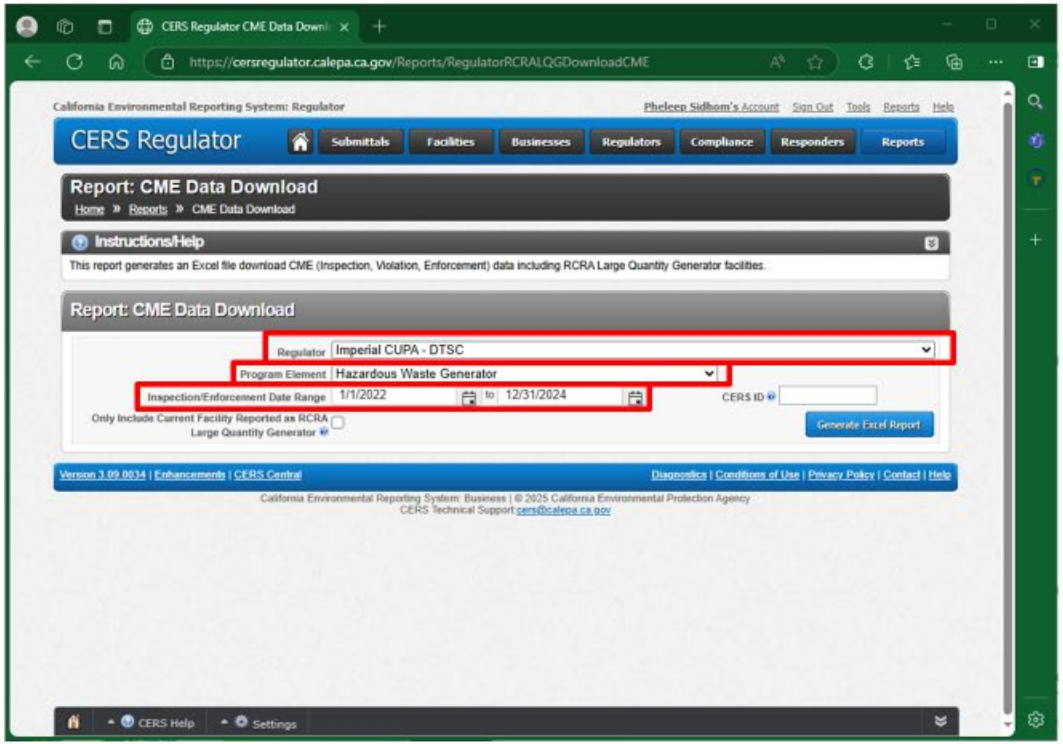
CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control



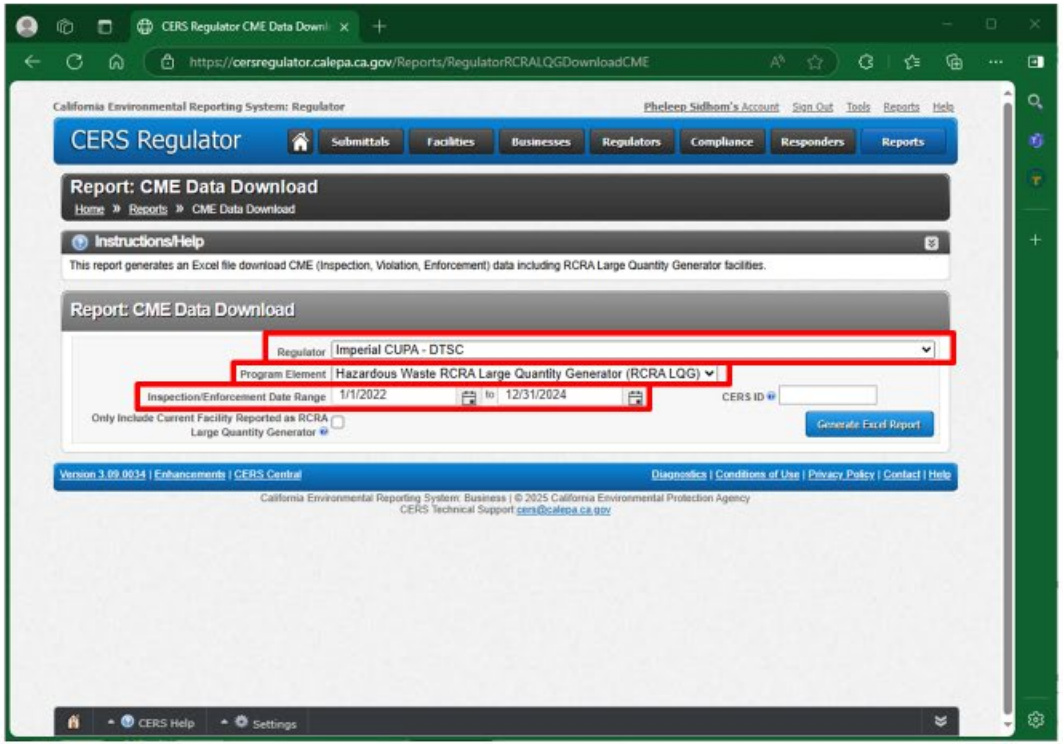
CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control



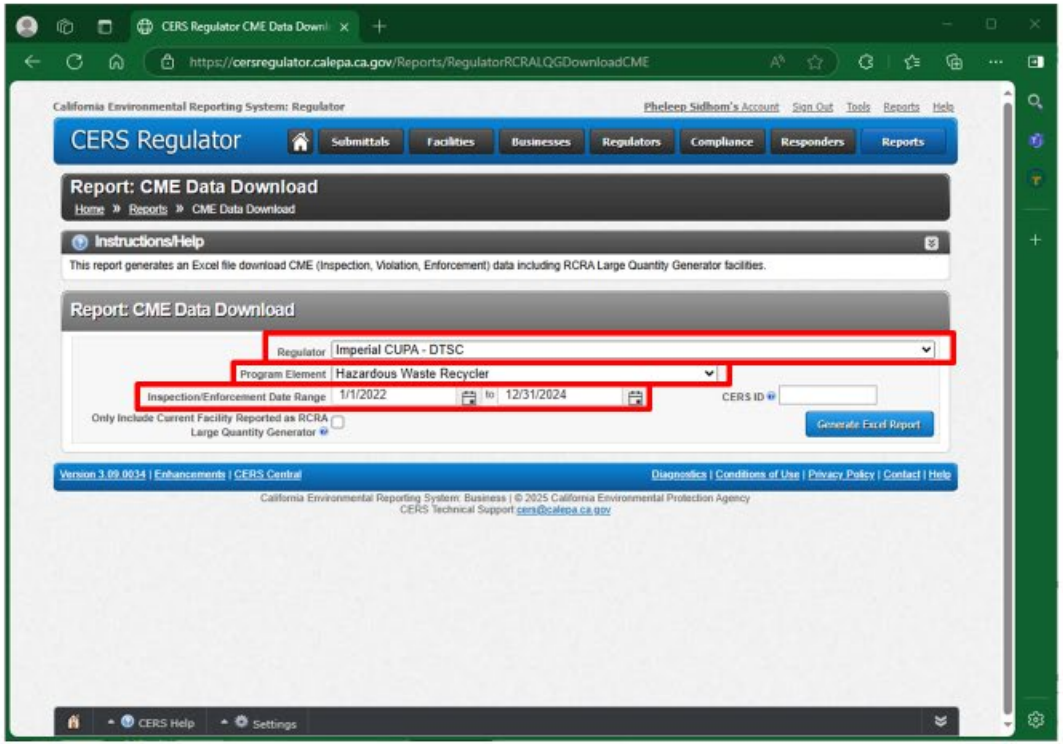
CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control



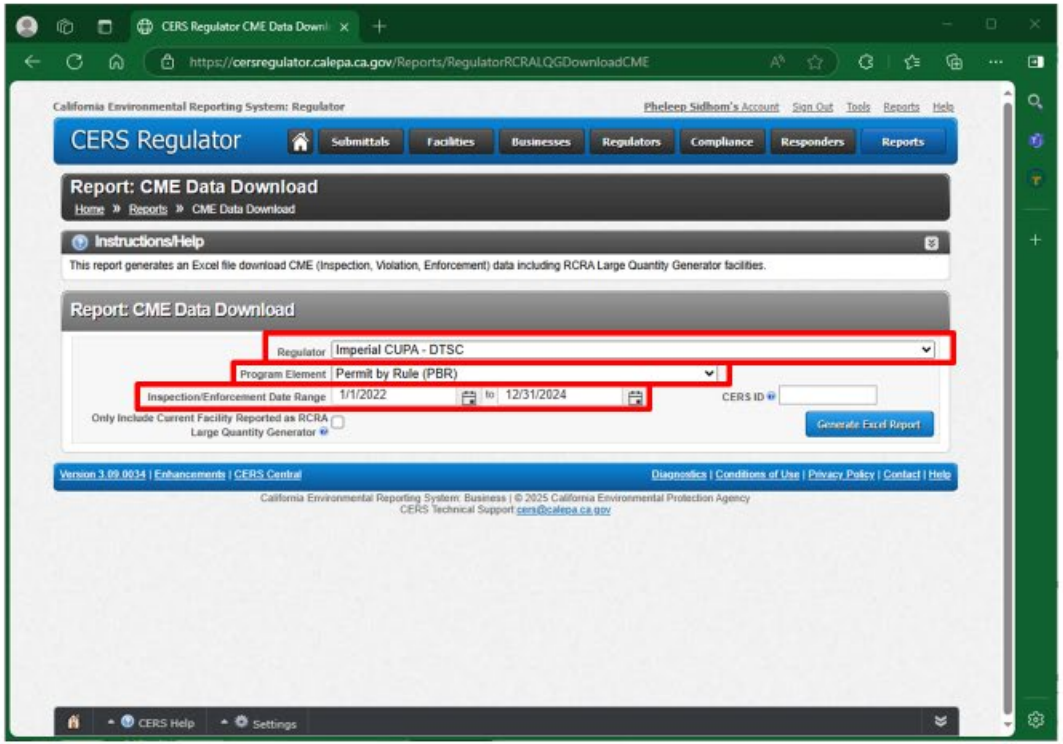
CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control



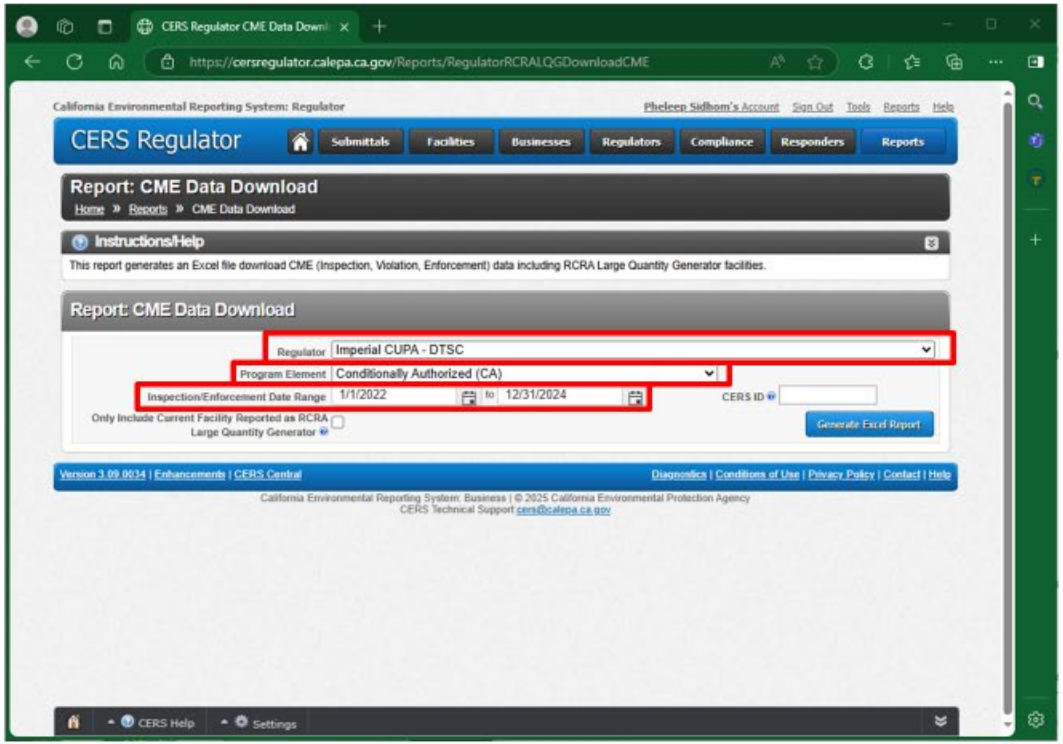
CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control



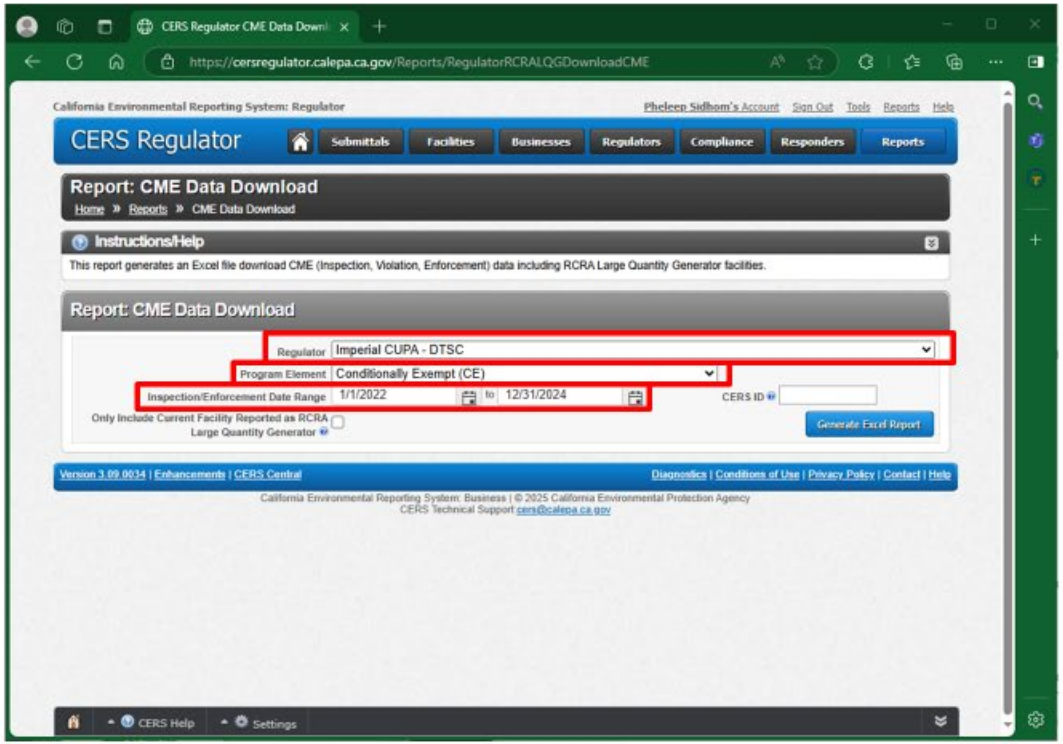
CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control



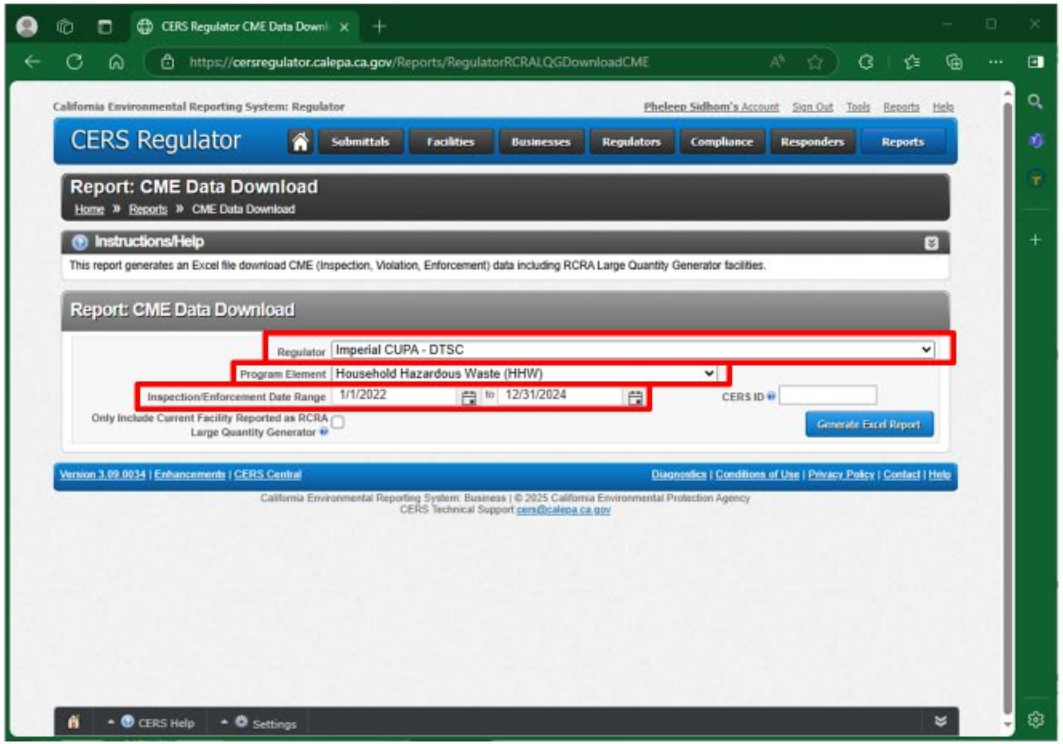
CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control



CERS California Environmental Reporting System
California Environmental Protection Agency

CALIFORNIA CUPA FORUM

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control

Buy 2, Get 1 Free!

CALIFORNIA CUPA FORUM

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CERS CME Data

Department of Toxic Substances Control

Buy 3, Get 1 Free!

27th California Unified Program
Annual Training Conference
March 24-27, 2025

CALIFORNIA CUPA FORUM

What do we find?

DTSC Evaluation Process

- ✓ Outstanding efforts/Accomplishments/Challenges
- ✓ Observations
- ✓ Incidental Findings
  - ✓ Requires a resolution to correct.
- ✓ Deficiencies in program elements
  - ✓ Corrective actions taken to remedy a program deficiency and prevent repeated deficiency in that area.

Things to watch out for

- Inspection Frequency
- Return to Compliance
- Violation Classification
- CME Data
- I&E Plan

Department of Toxic Substances Control

CALIFORNIA CUPA FORUM

Things to watch out for

- Permit-By-Rule Submittals
- Factual Basis and Observations
- Universe of Generators
- Training Requirements

Department of Toxic Substances Control

CALIFORNIA CUPA FORUM

Appendix of Deficiency Detail

See separate list of deficiency information with detail and limits to meet to avoid deficiencies.

Evaluations are helpful !

- ✓Demonstrates your many efforts
- ✓Assists to develop tools
- ✓Roadmap for CUPA Manager/Staff
- ✓Statewide Consistency

Suggestions

Department of Toxic Substances Control

- Progress Reports Process
- Annual Self-Audit and I&E Plan Update
- Data Management Procedures
- Inspectors Preparing for an Inspection
- Use These Presentations During the Self-Audit!

Suggestions

Department of Toxic Substances Control

- Emerging Issues:
  - Repeated Deficiencies
  - Sampling Capability
  - Evidence Documentation
  - Inspection Reports

Summary

Department of Toxic Substances Control

- Purpose of DTSC Evaluation
- The Process and CERS CME Data
- Things to Watch Out For
- Suggestions
- Healthy Businesses and Communities Begin with Us!

Contacts for CUPA evaluation Staff

- Pheleep Sidhom 510-540-3911 pheleep.sidhom@dtsc.ca.gov
- Mia Goings 916 255-3736 mia.goings@dtsc.ca.gov
- Brennan Ko-Madden: 510-540- 3898 brennan.ko-madden@dtsc.ca.gov
- Jessica Harris: 916 591-4667 jessica.harris@dtsc.ca.gov
- Daniel Speer: 916 516-5602 daniel.speer@dtsc.ca.gov

- Ryan Miya (Supervisor): 510-292-9253 ryan.miya@dtsc.ca.gov
- Julie Pettijohn (Branch Chief): 510-516-5894 julie.pettijohn@dtsc.ca.gov
- Maria Soria (Division Chief): 510-540-3883 maria.soria@dtsc.ca.gov

Any Questions?

27th California Unified Program
Annual Training Conference
March 24-27, 2025

Department of Toxic Substances Control

Appendix of Deficiency Detail

Information for Accomplishments and Challenges:

- We are looking to describe your program efforts to implement the program
  - Changes since last evaluation
  - Impacts of external events
  - Staffing changes
  - Trainings given to regulated facilities
  - Working with other agencies and CUPA Forum initiatives
  - If we see outstanding efforts in your programs, we will feature that!
    - Try to provide to us in Kick off meeting

Appendix for DTSC portion: Common Findings and Deficiencies

- ✓CalEPA to release updated library of most common list on website
- ✓Not a complete list

Appendix for DTSC portion: Common Findings and Deficiencies

- ✓ **Important: CME Data must be in CERS as it is required. 27 CCR 15290(a)(3)**
- ✓ **CUPA should review/update it's data management procedures regularly, especially if any BDO issues a CME finding or observation.**

Common Deficiencies

➢ #1 Inspection frequency for generators and tiered permitting.

- ➢I and E Plan sets inspection frequency for generators
- ➢Use the Reports: CERS Inspection Report and Facilities data export scrutiny information for evaluation period and compare to Self Audit info.
- ➢We are looking for one "Routine" inspection during the evaluation period
  - ➢Self Audit often uses "in-house" data and can differ from CERS information.

❖**Corrective action is a plan to achieve I and E Plan inspection frequency requirements (and avoid repeating deficiency in next evaluation period).**

Common Deficiencies

➢#2 Return to Compliance

- ➢Review violation listings and CME data for RTC information
- ➢Compare to violations with no RTC.

❖ **Corrective action is a plan to achieve greater than 90% RTC for violations in the evaluation period.**

❖ **RTC is the facility's responsibility. CUPA should document follow up actions in the facility file to demonstrate efforts in returning the facility to compliance.**

Common Deficiencies

➢#3 Violation Classification.

➢Review of CME data, facility file information, and I and E Plan description of proper violation classification.

➢See CalEPA updated Violation Classification guide: https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Document-accessible.pdf

❖ **Corrective action typically includes training and submittal of inspections reports with properly classified violations.**

Common Deficiencies

➢#4 Compliance Monitoring and Enforcement (CME) data.

➢Done in conjunction with CalEPA, we review Self audits, facility file info and data quality. CERS CME reports to include inspection program type, violation codes, descriptions of violations, enforcement, and completeness of inspection data.

➢Compare information to see if there are missing elements.

❖**Corrective action required to correct missing data.**

Common Deficiencies

➢#5 Inspection and Enforcement Plan.

- I and E plan review - required elements from 27 CCR 15200(a) (1-14)
  - Complaints
  - Sampling processes and capabilities (new since 7/1/2018)
  - Inspection frequency
  - Inspection and Enforcement process
  - Violation classification

- **Corrective action to update I and E Plan to meet regulatory requirements.**

Common Deficiencies

➢#6 Complaints

➢Check CalEPA database for referred complaints and compare to complaint and disposition information provided from CUPA.
➢Check to see if CUPA followed up on complaints.

❖**Corrective action is to request the CUPA to address complaints and/or review internal processes to respond to complaints and provide feedback to CalEPA.**

❖New database beginning April 2016, older complaints being uploaded to database for tracking. Need to check CUPA contacts info if there was turnover in who receives complaints.

Common Deficiencies

➢#7 Permit By Rule Submittals.

➢PBR on-site treatment facilities must notify annually and CUPA must accept or reject in 45 days (22 CCR 676450.3(d)).

➢Check CERS Submittal listing, export to excel and review dates for PBR submittals and approval or denial by CUPA.

- ➢Were the annual notifications submitted?
- ➢Did the CUPA accept or reject PBR submittal in 45 days?

❖ **Corrective action to address PBR submittal deficiencies along with training.**

Common Deficiencies

➢#8 Incomplete Inspection – Oversight Inspection.

➢DTSC staff accompanies CUPA inspector during an inspection and evaluates preparation, walk through, document review and violations noted and correctly cited.

➢Deficiency noted if inspector unable to correctly identify and classify violations, does not conduct complete inspection, inspection report/NOV doesn't include violation details and required corrective actions.

➢DTSC may conduct an independent Verification inspection on a facility recently inspected by the CUPA, if DTSC finds violations that existed when the CUPA inspected, then an incomplete inspection deficiency would be issued.

❖**Corrective action is additional training for staff.**

Common Deficiencies

#9 Factual Basis and Observations.

- Did the inspector provide a factual basis and corrective action for a violation?
- Check CERS CME data, inspection reports submitted and I and E Plan details.
  - DTSC checks violations to see if violation descriptions are blank or if the default language adequately describes the violation.
  - Generic Codes should not be used when there is a specific violation to cite.

❖ **Corrective action includes staff training and require facility inspection report submittals to show changes.**

What we have planned…

10:45 - 10:55 10 Minute BREAK

10:55 - 11:25 APSA Program Assessment

11:25 - 11:45 Questions & Answers

27th California Unified Program Annual Training Conference
March 24-27, 2025

No SPCC Plan Violation Misclassification Incidental Finding Resolution:

- Train UPA inspectors on definition of minor violation, how to properly classify violations, and review:
  - 2020 Violation Classification Guidance for UPAs
  - SPCC Violations in the "U.S. EPA Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act"

- Provide a statement that training has been completed.

Other APSA Violations Shall Not Be Minor:

- Repurposing UST as an AST (CCR, Title 19, Section 1607(b))
  - Violation 4030012
    - tank compatible with stored materials
    - applies to facilities required to have an SPCC Plan
  - Violation # TBD
    - applies to **all** facilities, including conditionally exempt

NEW

- A rail car, tank car, or tank vehicle being used as a storage tank in a permanent or fixed installation (CCR, Title 19, Section 1607(c)
  - Violation # TBD

APSA & HMMP-HMIS Programs Assessment Appendices

CAL FIRE – Office of the State Fire Marshal

Appendix 1 – Enclosure 1 Information Request

Refer to the Evaluation Notification Letter from CalEPA to CUPAs

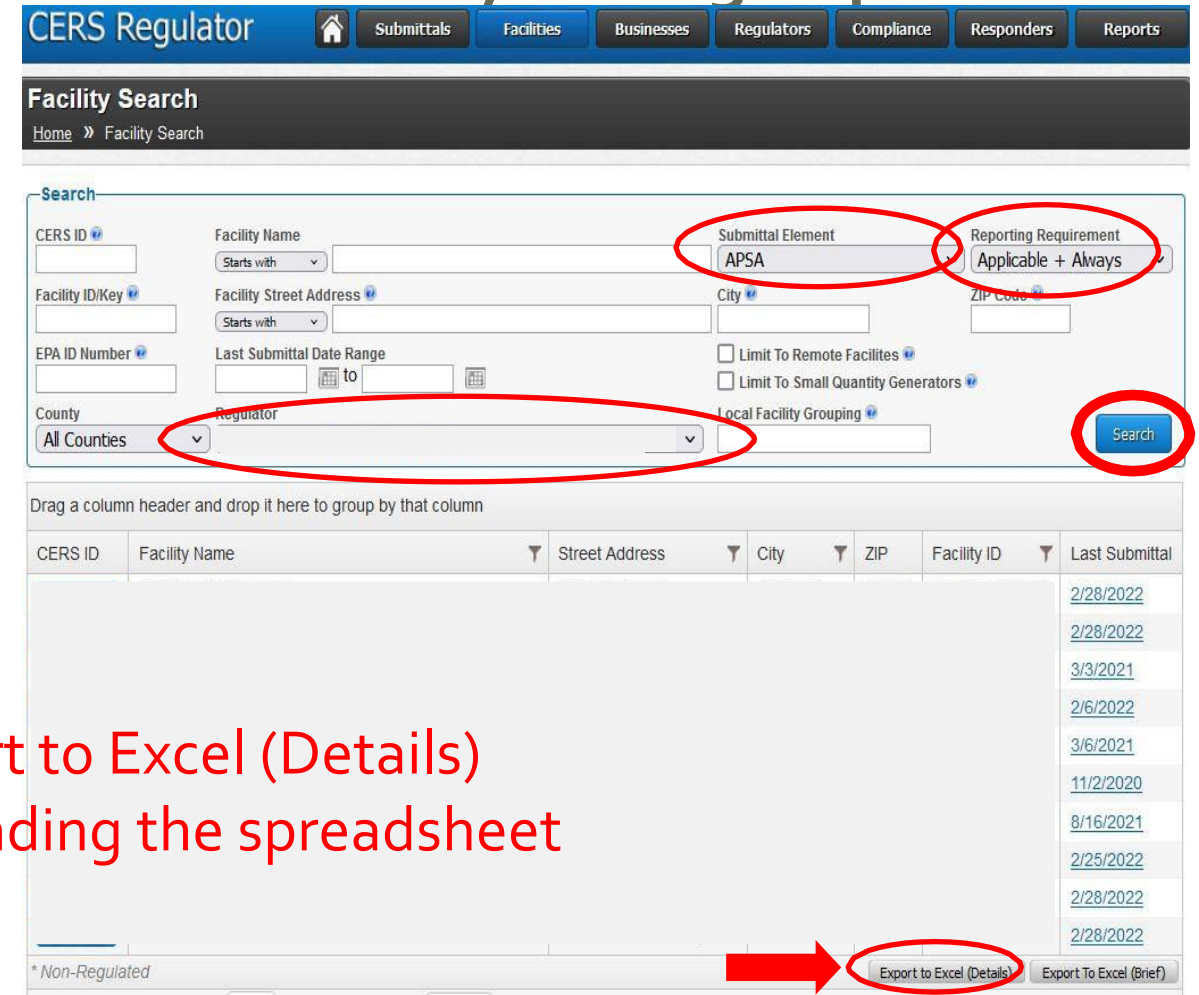
APSA Program Specific Documents:

- A sortable spreadsheet derived from the local data management system (e.g., financial, billing, or permitting system) identifying the following for each APSA tank facility:
  - CERS ID
  - Facility name
  - Date of the most recent routine APSA inspection, if applicable
  - Petroleum storage amount, or the Aboveground Storage Tank (AST) storage category, for example:
    - 10,000 gallons or more
    - 1,320 – 9,999 gallons
    - Less than 1,320 gallons with Tank in an Underground Area (TIUGA)
  - Whether the APSA tank facility has been determined to be conditionally exempt from having to prepare a Spill Prevention, Control, and Countermeasure (SPCC) Plan (farms, nurseries, logging or construction sites)
- If not already included with the facility inspection records, all APSA inspection checklist(s)/form(s) utilized by inspectors

Appendix 2 –Generate APSA Facility Listing Report

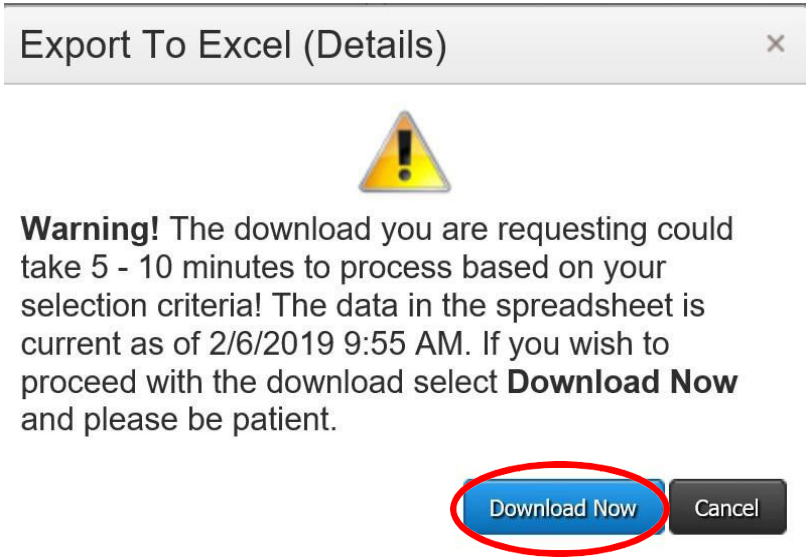
Step 1:

Use Facility Search, select: APSA Submittal Element, Reporting Requirement = Applicable + Always, your CUPA as the Regulator. Then press the Search button.



Step 2: Use the Export to Excel (Details) button when downloading the spreadsheet

Appendix 2 – Generate APSA Facility Listing Report



Step 3: Press the Download Now button and wait.

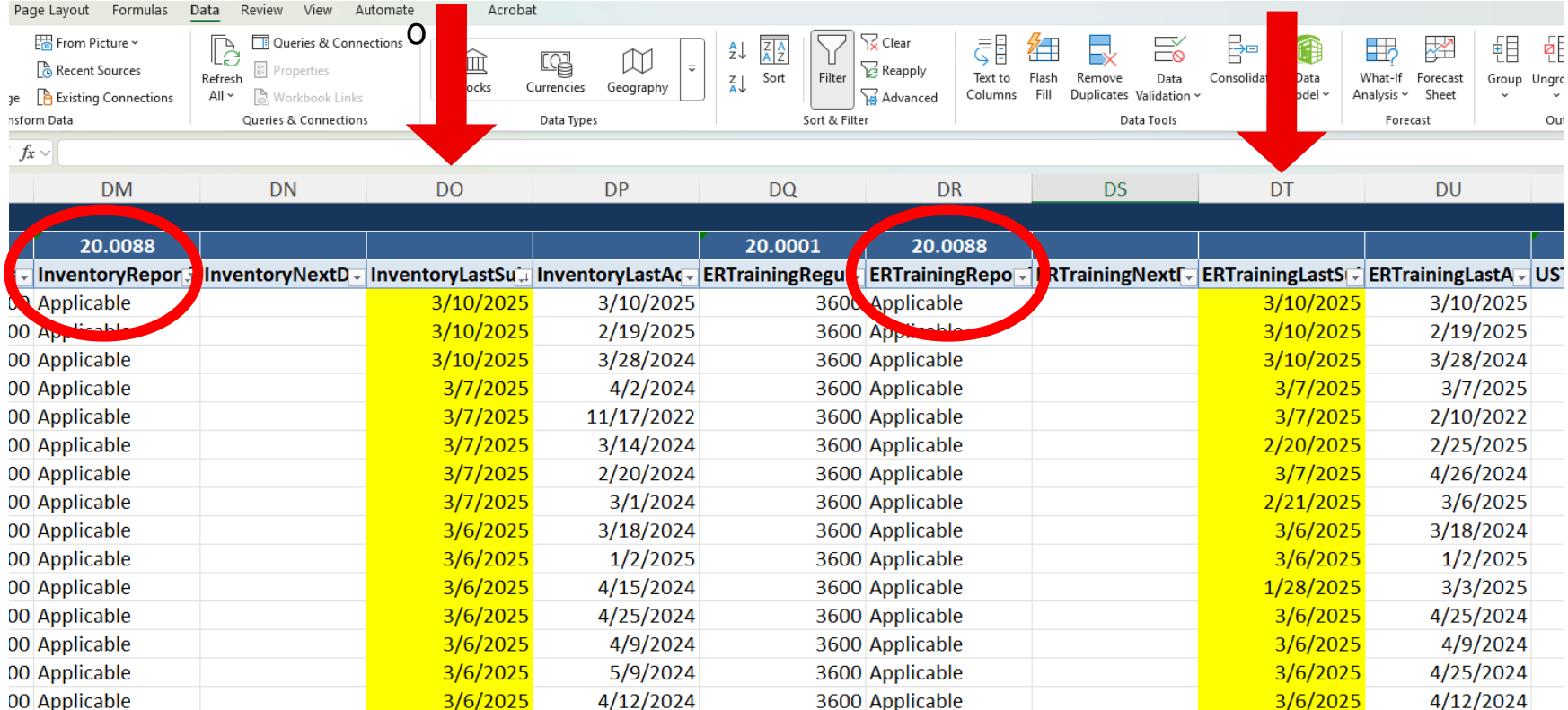
Step 4: Using the Save As option, save the file after customizing the name.

Last APSA Routine Inspection Date - Column FE

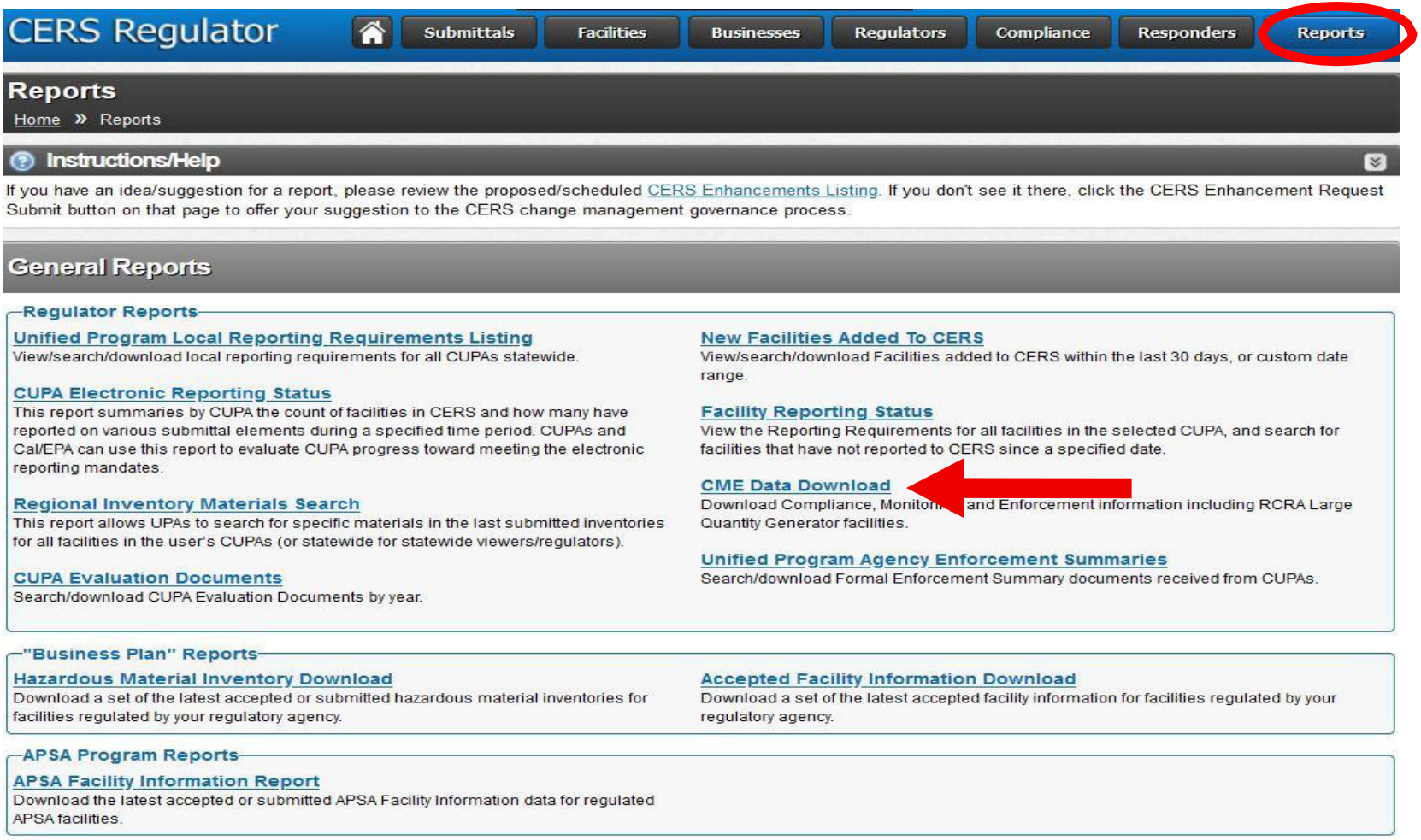
FB	FC	FD	FE	FF	FG	FH
CalARPNextDue	CalARPLastSubm	CalARPLastAcce	APSARoutineInspectionDat	CalARPLastInspe	CALastInspectio	CELastInspectior
			2/28/2025			
			2/27/2025			
			2/27/2025			
			2/26/2025			
			2/25/2025			
			2/24/2025	2/11/2022		
			2/11/2025			
			2/11/2025			
			2/11/2025			
			2/11/2025			
			2/7/2025			
			2/6/2025			
			2/6/2025			
			2/5/2025			
			2/4/2025	2/4/2025	2/4/2025	2/4/2025
			1/30/2025			

HMBP Submittals (in lieu of TFS) –

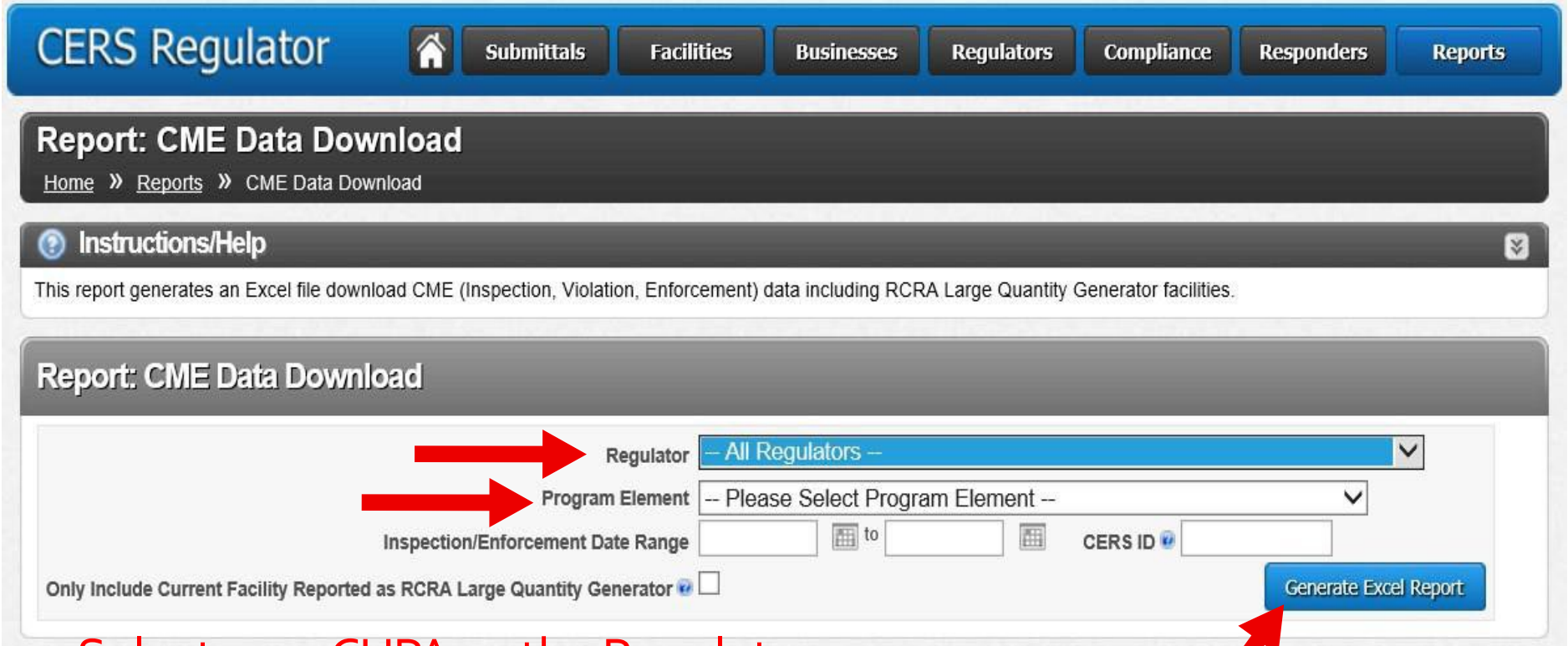
- **Column DO**: InventoryLastSubmittedDate
- **Column DT**: ERTrainingLastSubmittedDate



Appendix 3 — Generate APSA CME Report

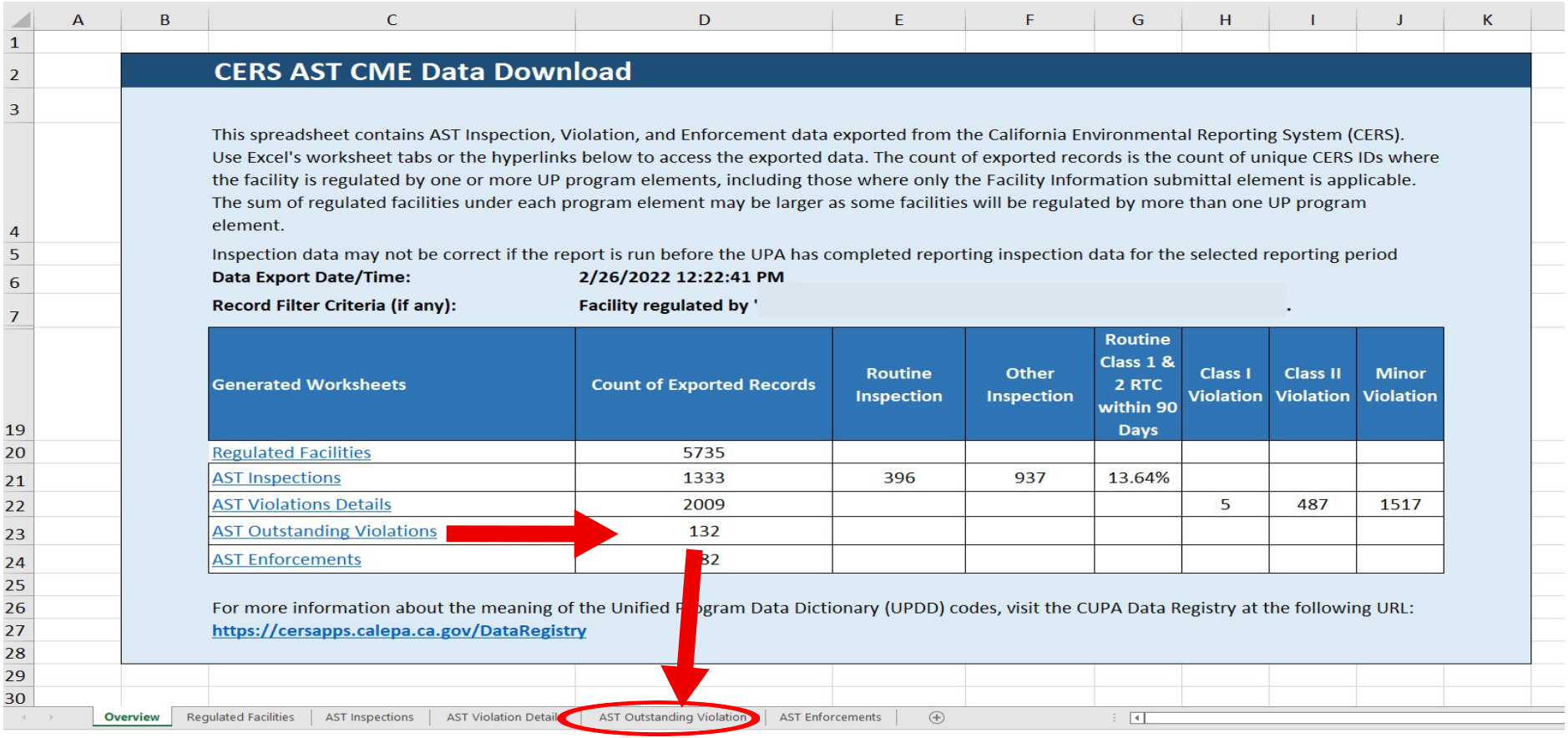


Appendix 3 — Generate APSA CME



1. Select your CUPA as the Regulator
2. Select Program Element: APSA
3. Press the 'Generate Excel Report' button

Appendix 3 — APSA CME Report



CERS AST CME Data Download

This spreadsheet contains AST Inspection, Violation, and Enforcement data exported from the California Environmental Reporting System (CERS). Use Excel's worksheet tabs or the hyperlinks below to access the exported data. The count of exported records is the count of unique CERS IDs where the facility is regulated by one or more UP program elements, including those where only the Facility Information submittal element is applicable. The sum of regulated facilities under each program element may be larger as some facilities will be regulated by more than one UP program element.

Inspection data may not be correct if the report is run before the UPA has completed reporting inspection data for the selected reporting period

Data Export Date/Time: **2/26/2022 12:22:41 PM**

Record Filter Criteria (if any): **Facility regulated by '** .

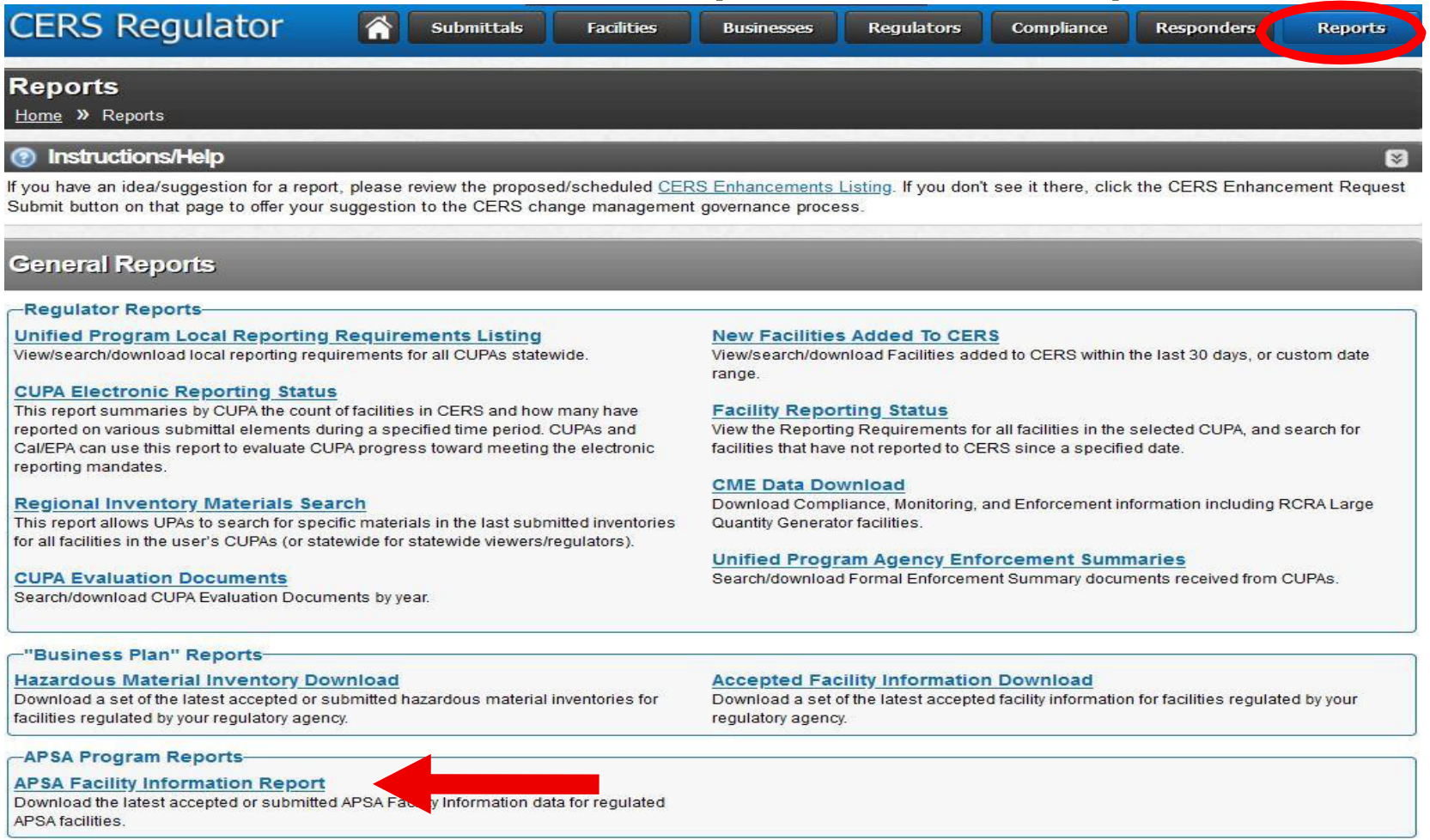
Generated Worksheets	Count of Exported Records	Routine Inspection	Other Inspection	Routine Class 1 & 2 RTC within 90 Days	Class I Violation	Class II Violation	Minor Violation
Regulated Facilities	5735						
AST Inspections	1333	396	937	13.64%			
AST Violations Details	2009				5	487	1517
AST Outstanding Violations	132						
AST Enforcements	82						

For more information about the meaning of the Unified Program Data Dictionary (UPDD) codes, visit the CUPA Data Registry at the following URL:
https://cersapps.calepa.ca.gov/DataRegistry

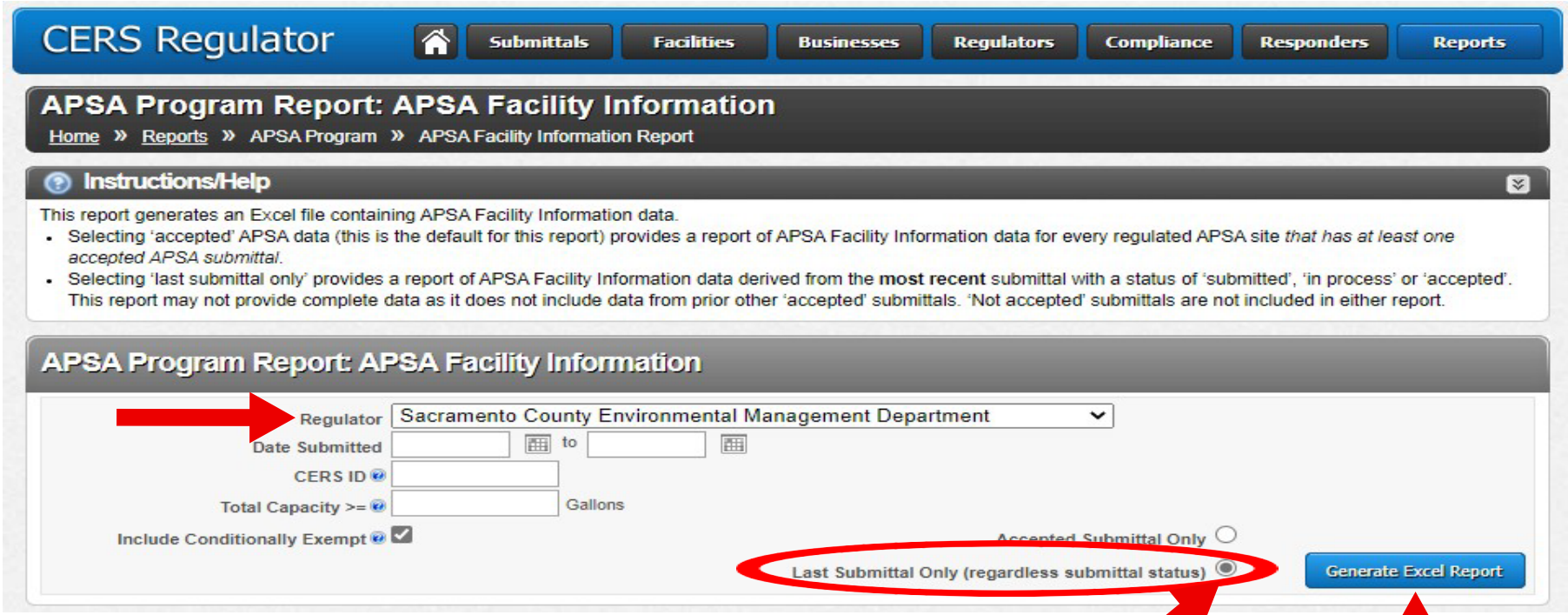
Overview | Regulated Facilities | AST Inspections | AST Violation Detail | AST Outstanding Violation | AST Enforcements

Violations without RTC are listed on AST Outstanding Violation tab

Appendix 4 –Generate APSA Facility Information Report



Appendix 4 –Generate APSA Facility Information Report



1. Select your CUPA as the Regulator
2. Select 'Last Submittal Only'
3. Press the 'Generate Excel Report' button

Appendix 4 –APSA Facility Information Report

F	G	H	I
APSA Facility Information			
800	801	802	803
Conditionally Exempt	Date of SPCC Plan Certification or Date of 5-Year Review	Total Aboveground Storage Capacity of Petroleum	Number of Tanks in Underground Area(s)

CCR, Title 19, Section 1614 now **requires** each facility to annually submit the following information:

- Conditionally exempt status (Yes or No)
- SPCC Plan certification date or 5-year review date (whichever is more recent)
- Total APSA petroleum storage capacity (gallons)
- Number of tanks in underground areas (TIUGA)

OSFM Evaluation Forms:

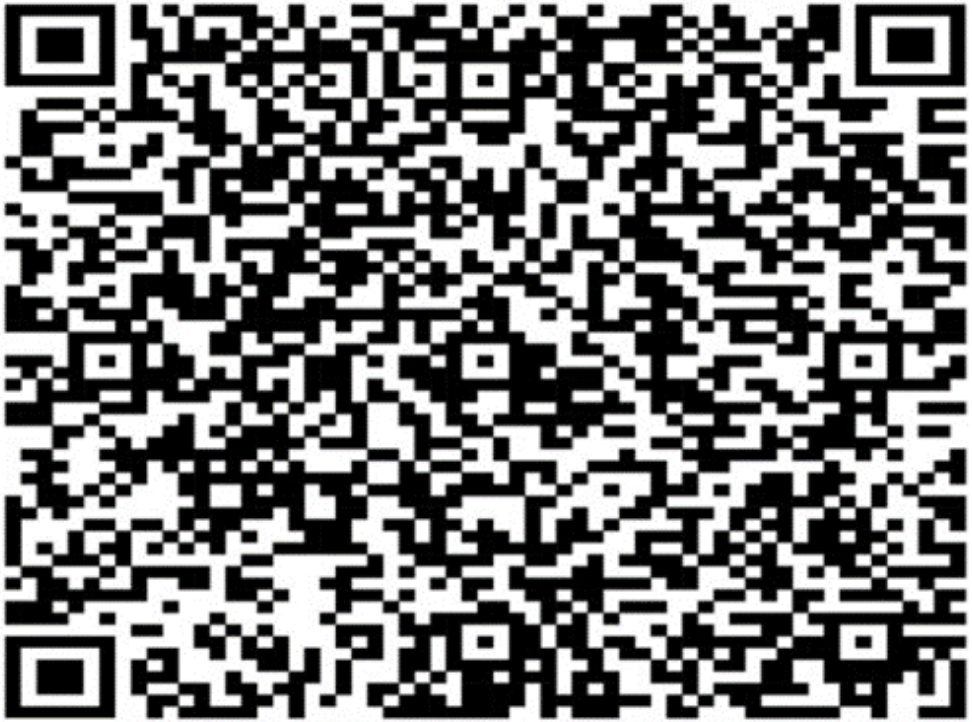
- Form 1- Discussion Topics with the Fire Chief
- Form 2- Unified Program Agency (UPA) Facility File Review Checklist
- Form 3- UPA Evaluation Checklist

https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency

- James Hosler, Chief, Asst. Deputy Director, Pipeline Safety & CUPA
  - James.Hosler@fire.ca.gov
- Wendy Collins, Division Chief, Pipeline Safety & CUPA
  - Wendy.Collins@fire.ca.gov
- Jennifer Lorenzo, Senior Environmental Scientist (Supervisor)
  - Jennifer.Lorenzo@fire.ca.gov
- Andrew Dye, Senior Environmental Scientist (Specialist)
  - Andrew.Dye@fire.ca.gov
- Denise Villanueva, Environmental Scientist
  - Denise.Villanueva@fire.ca.gov
- Mary Wren-Wilson, Environmental Scientist
  - Mary.Wren-Wilson@fire.ca.gov

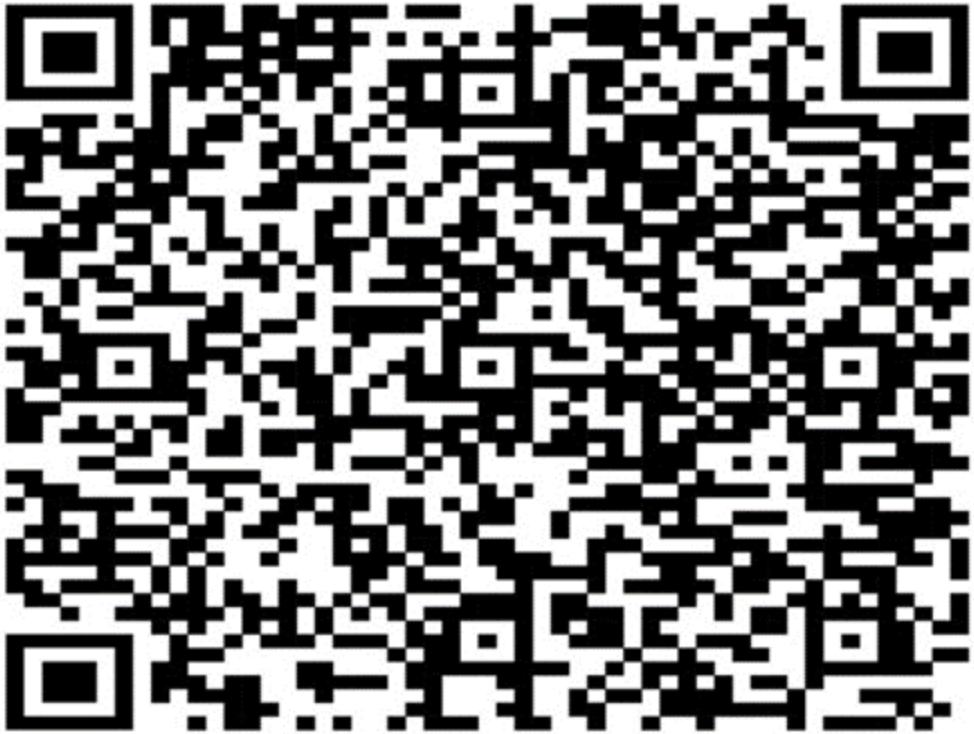
OSFM "CUPA" Program
at cupa@fire.ca.gov

OSFM APSA Webpage



HMMP/HMIS Webpage

OSFM Evaluations Checklists



For your patience-
Any Questions?...

CalEPA	State Water Board	CalEPA HMBP/CalARP Unit	DTSC	OSFM
Evaluation Process CalEPA Assessment	UST Program Assessment	HMBP Requirements and CalARP Program Assessment	HWG Program Assessment	APSA Program Assessment