California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards

Alan C. Lloyd, Ph.D
Agency Secretary

Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 7756

April 14, 2006

Mr. Leon Perreault, Director
Del Norte County Department of Health and Social Services
880 Northcrest Drive
Crescent City, California 95531

Dear Mr. Perreault:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and the State Water Resources Control Board conducted a program evaluation of Del Norte County Department of Health and Social Services' Certified Unified Program Agency (CUPA) on June 23, 2005. The evaluation consisted of a review of program elements, an in-office program review and field inspections. Following the evaluation, the state evaluators completed an Evaluation Summary of Findings, which was review with your agency's program management.

The evaluation summary of findings includes identified deficiencies, corrective action to be taken and timeframes for correction of identified deficiencies. Two additional evaluation documents competed during the evaluation are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

I have reviewed the enclosed copy of the Summary of Findings and I find that Del Norte County Department of Health and Social Services' program performance is satisfactory with some improvement needed. To update our files on your progress toward correcting the identified deficiencies, please provide a status report, using the attached format, within 30 days from receipt of the letter.

Cal/EPA also noted during this evaluation that Del Norte County Environmental Health and Social Services Department has worked to bring about a number of local program innovations, including the CUPA's use of an education based policy that requires frequent follow-up to facilities for compliance which is a good resource to the community and good public relations for the CUPA. Additionally, the CUPA stated goal of reducing Del Norte County's population of Cal/ARP facilities to zero via inventory reduction and the use of safer, alternative chemicals is an excellent idea in risk reduction strategy in terms of health, safety, and the environment. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures
cc: see next page

cc: Mr. Ahmad Kashkoli (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Jack Harrah (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Ms. Liz Haven (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Moustafa Abou-Taleb (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Deficiencies and Corrective Actions

1. **Deficiency:** Brief description of deficiency

   CUPA Corrective Action: CUPA responds here

2. **Deficiency:** Brief description of deficiency

   CUPA Corrective Action: CUPA responds here

3. **Deficiency:** Brief description of deficiency

   CUPA Corrective Action: CUPA responds here

4. **Deficiency:** Brief description of deficiency

   CUPA Corrective Action: CUPA responds here

5. **Deficiency:** Brief description of deficiency

   CUPA Corrective Action: CUPA responds here

6. **Deficiency:** Brief description of deficiency

   CUPA Corrective Action: CUPA responds here

7. **Deficiency:** Brief description of deficiency

   CUPA Corrective Action: CUPA responds here

8. **Deficiency:** Brief description of deficiency

   CUPA Corrective Action: CUPA responds here

9. **Deficiency:** Brief description of deficiency

   CUPA Corrective Action: CUPA responds here

10. **Deficiency:** Brief description of deficiency

    CUPA Corrective Action: CUPA responds here

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY

Alan C. Lloyd, Ph.D.
Agency Secretary

Arnold
Schwarzenegger
Governor

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION
SUMMARY OF FINDINGS

CUPA: Del Norte County Department of Health and Social Services

Evaluation Date: June 23, 2005

EVALUATION TEAM
Cal/EPA: Tina Gonzales
SWRCB: Ahmad Kashkoli
OES: Jack Harrah
DTSC: N/A
OSFM: N/A

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Tina Gonzales at (916) 322-2155.

	Deficiency	Preliminary Corrective Action & Timeframe
1	The CUPA's Application/Operational Manual contains a Consolidated Permit Plan however it still does not specifically address a system for expedited review, or tracking.	The CUPA should develop and incorporate procedures for the manual to include these elements within the next 90 days.
2	The CUPA has not fully developed and implemented a Unified Inspection and Enforcement Plan. The CUPA's application/operations manual contains some of the required elements, but does not address all the required inspection and enforcement components.	The plan needs to address combined inspections; it only contains the provisions for integrated/multi-media inspections. The plan needs to specifically address mechanisms to ensure training standards are met; it only has provisions for cross training. The plan needs to include enforcement coordination procedures to ensure confidentiality, coordination and timely notification. The plan does not address provisions to encourage combined or multi-media enforcement. These additional procedural items should be developed for the Inspection and Enforcement Plan within the next 90 days

3	The CUPA staff is lacking on-going training classes attended; files reviewed showed no training attended since the 2000/2001 fiscal year.	Suggestions from evaluators to look into close State and local agencies to see what training they offered, checking with the CUPA Forum Board, and checking into the 2006 CUPA Conference in San Francisco scheduled in February. They may need to find suggestions for funding perhaps through CUPA Training Grants, other Grants, or their Board of Supervisors for Budget monies. Time to correct: 180 days
4	CUPA does not require submittal of monitoring plan, plot plan and response plan for review and approval, pursuant to CCR, Title 23, Sections 2634(d) and 2641(g).	Within the next six months, the CUPA staff should review the UST files and notify the potentially affected UST owners/operators to request their immediate submission of monitoring plan, plot plan and response plan. The CUPA staff should review the submitted documents for completeness prior to filing the documents in the facility files.
5	CUPA is not inspecting the UST facilities annually. CUPA currently has approximately 16 active UST facilities and has conducted only one inspection in the fiscal year 2003/2004.	Within the next 60 days CUPA should submit a plan of action to State Water Board as to how it intends to correct this deficiency, and inspect all UST facilities in the fiscal year 2004/2005.
6	CUPA is issuing operating permit without determining whether the facility is in compliance.	CUPA should inspect the facility to make certain that is in compliance prior to issuing an operating permit.
7	The CUPA is not meeting its inspection frequency for CalARP facilities. The last three summary reports showed that only 2 of the 4 CalARP facilities have been inspected in the last three years. While the summary reports indicate the CUPA is meeting the required inspection frequency for Business Plan facilities, 6 of the 10 business plan files reviewed did not have inspection forms dated within the past three years.	Within one year the CUPA should have a plan to inspect all of the CalARP and business plan facilities every three years.
8	The CUPA does not have a CalARP dispute resolution process that addresses the requirements of Title 19, Section 2780.1	Within 60 days the CUPA must develop a dispute resolution process for CalARP facilities, which addresses the specific requirements of T19, Section 2780.1.

9	The CUPA does not appear to be obtaining annual inventories or inventory certification from all regulated businesses. 5 of the 10 business plan files reviewed did not have current inventories/certifications.	Within one year the CUPA must ensure that either inventories or inventory certifications are received annually from each regulated business.
10	The CUPA has not reviewed and updated its Area Plan in the last three years. This process had begun when the CUPA lost staff several years ago, and the review languished for lack of staff resources.	Within one year, the CUPA must review and update the Area Plan. Please submit a copy of the revised plan to the evaluation team leader and to the OES evaluator.

CUPA Representative STEVE LANDES Steve Landes
(Print Name) (Signature)

Evaluation Team Leader TINA GONZALES Tina Gonzales
(Print Name) (Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** Four UST facility files reviewed did not contain documents required to verify facility compliance. Files were missing one or more of the following: designated operator certification, proof of financial responsibility, annual monitoring equipment certification reports, tri-annual secondary containment testing report, etc.

   Recommendations: The State Water Board suggests that the CUPA consider requesting the submittal of the above-mentioned documents for the agency's records. This will save agency inspectors time, and ensure a through and consistent inspections.

2. **Observation:** The CalARP portion of the 02/03 and 03/04 CUPA self audits did not address all of the elements for a CalARP Performance Audit (Title 19, Section 2780.5).

   Recommendations: OES recommends that the CUPA include all of the items listed under T19, Section 2780.5 in the CalARP section of the annual CUPA self audit, even if they do not apply. Language used could be, for example, "There were no Table 3 facilities exempted from the CalARP program during the fiscal year."

3. **Observation:** Many of the business plan files reviewed had inventories on old forms, mainly the 11/94 vintage OES forms.

   Recommendations: OES recommends that, as the business plans come up for their three year review, the businesses be urged to use current OES/UPCF 2731 forms, or Unidocs forms.

4. **Observation:** The CUPA has identified a number of facilities handling Table 3 solids, but has not yet begun preliminary risk determinations.

   Recommendations: Even in the absence of a good dispersion model for solids, and the lack of guidance from USEPA and OES, OES recommends that the CUPA at least begin to perform preliminary risk determinations on these sites. It is important for public safety and for liability purposes that the CUPA be able to document that the process has at least initiated by gathering information, including any applicable plume modeling that might be available from industry or academia.

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENATION

1. The CUPA has good handout material on a variety of subjects that can be given out to the public and applicants on various recycling subjects and UST concerns.

2. The CUPA uses an education based policy that requires frequent follow-up to facilities for compliance, which is also a good resource to the community and good public relations for the CUPA.

3. The AEO process has been incorporated in the CUPA's Inspection and Enforcement Plan, should it ever be needed, as well as the CUPA Forum's Guidance for the Preparation of Inspection and Enforcement Program Plans.

4. The CUPA's facility files are neatly organized and information is easily obtained.

5. CUPA notifies UST owners/operators of upcoming deadlines and new requirements.

6. The CUPA's stated goal of reducing Del Norte County's population of CalARP facilities to zero via inventory reduction and the use of safer, alternative chemicals is an excellent idea. Health, safety and the environment all benefit from this risk reduction strategy.