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

Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 7923

August 14, 2006

Ms. Deborah Kirschman
Acting Program Manager
Placer County Environmental Health
11454 B Avenue
Auburn, California 95603

Dear Ms. Kirschman:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, the Department of Toxic Substances Control, the State Fire Marshall, and the State Water Resources Control Board conducted a program evaluation of Placer County Environmental Health Services' Certified Unified Program Agency (CUPA) on July 21 and 22, 2006. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions, and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

The enclosed Summary of Findings is now considered Final and based on review, I find that Placer County Environmental Health Services' program performance is satisfactory with some improvement needed. To complete the evaluation process, please provide quarterly reports to Cal/EPA of your progress towards correcting the identified deficiencies. Submit your quarterly reports to Ms. JoAnn Jaschke by the 15th of the month following each quarter. The first report of progress is due on November 15, 2006.

Cal/EPA also noted during this evaluation that Placer County Environmental Health Services' has worked to bring about a number of local program innovations, including: excellent Universal Waste documentation and outreach for the recycling and collection facilities and maintains a cooperative relationship with the Roseville Fire Department, a separate CUPA located within the physical boundaries of Placer County. Regular meetings are held between the two CUPAs to share training opportunities, program information, and implementation of regulation to maintain consistency. 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

Enclosure

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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION
SUMMARY OF FINDINGS

CUPA: Placer County Environmental Health Services CUPA

Evaluation Date: July 19 and 20, 2006

EVALUATION TEAM

Cal/EPA: Robbie Morris
DTSC: Mickey Pierce
OES: Jack Harrah
WATER: Sean Farrow
SFM: Francis Mateo

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 Ms. Joanne Jasckle at (916) 323-2204.

	Deficiency	Preliminary Corrective Action
1	The CUPA is not documenting actions taken by businesses to return to compliance with violations cited in Notices to Comply/Inspection Reports. Files reviewed, with the exception of one file, did not include any documentation that violations are being corrected. The CUPA may choose to document return to compliance actions either through documentation of correction in a report format during re-inspection or may require submittal of documentation by the facility being inspected. The CUPA did provide an example of a Return to Compliance document, but this document was not seen in any of the files reviewed. **Citation:** HSC 25187.8(h)	The CUPA shall immediately begin documenting compliance actions taken by a business in response to a notice to comply, or shall ensuring that documentation is received from businesses. If the CUPA chooses to document the correction, the CUPA may either mark the original notice to comply with the correction and date confirmed during re-inspection or they may issue a new inspection report noting that each violation has been corrected. The CUPA may consider having each inspector utilize the same process for consistency. The CUPA will provide the course of action in the Quarterly Report, due in October 2006.

2	The CUPA did not complete a self-audit by the mandated due date of September 30, 2005, nor have they maintained a self-audit on-site for the past three years. **Citation**: T27, CCR, 15280(a)(1)(B)(C) This was also identified as a deficiency by the CUPA in the 2003 Evaluation.	The CUPA did submit the 04/05 self-audit on July 6, 2006, within one week upon request from the Cal/EPA and therefore the deficiency is considered corrected. By October 1, 2006, the CUPA will submit a self-audit to Cal/EPA for fiscal year 05/06 with the Quarterly Report due October 31, 2006 and continue to prepare one every year there after and maintain them onsite.
3	The CUPA has not annually conducted a CalARP performance audit. **Citation:** Title 19, 2780.5	By June 30, 2007, and annually thereafter, the CUPA will conduct a CalARP performance audit that addresses all of the elements of Title 19, 2780.5.
4	Based on the FY 04/05 Summary Reports, the CUPA is not accurately reporting fees collected for each program element. **Citation:** T27, 15290(a)(1)	By August 1, 2006, the CUPA will implement a process to ensure the fee data can be extracted and accurately report the monies on Summary Report 2. The CUPA will identify what process they implemented in the October 2006 Quarterly Report.
5	The CUPA is not consistently and accurately tracking and reporting inspections on the Annual Inspection Summary Report 3. **Citation**: T27, 15290(a)2	By October 1, 2006, the CUPA will accurately track and report inspections on the 2006 Summary Report 3.
6	The CUPA is not accurately tracking and reporting CalARP fees on Summary Report 2. **Citation:** T27, 15290(a)1	Effective in 2005, the CUPA began collecting Cal/ARP fees and is currently tracking them. The CUPA will accurately report them on the 2006 Summary Report 2.
7	Based on the summary reports, the CUPA did not collect Cal/ARP fees for all three past fiscal years. **Citation:** T27, 15250(a)(7)	The CUPA began invoicing and collecting the Cal/ARP fees in 2005, therefore the deficiency has been corrected.
8	Based on review of the Enforcement and Inspection Program Plan (EIP), the inspection component needs to be updated to reflect accurately the number of regulated businesses under each program element.	By October 1, 2006, the CUPA will update this portion of the EIP and provide a copy of this section, along with the October 31, 2006 Quarterly Report.

	Citation: T27, 15200(f)(2)(A)(C)	
9	Based on review of the EIP, the CUPA has not annually reviewed and updated the Plan for the past three years. **Citation:** T27, 15200(f)(3)	The CUPA reviewed and updated the EIP in July 2006 and therefore the deficiency has been corrected. By July 2007, the CUPA shall review the EIP and annually thereafter.
10	Based on CUPA files review, inspection reports issued by the CUPA do not include observations or other information in enough detail to determine if those items are violations, observations or suggestions. During the file review the following files were noted as having violations which were not adequately or properly documented: • The 4/2/04 Inspection Report for CalTrans, Auburn notes that the facility has two EPA ID numbers issued to it, but this was noted only as an observation. • The 6/1/05 Progressive Vanguard report notes "Improve labeling of empty containers", but does not include documentation of the missing information • The 8/16/05 Mydex report notes only "properly label containers of hazardous materials", but in the checklist indicates that the mis-labeled containers hold used oil • The 9/20/05 Sutter Auburn Faith Hospital report notes only "arrange for hazardous waste pickup every 6 months" as an observation. **Citation:** HSC 25185(c)(2)(A)	By October 30, 2006, the CUPA shall ensure that all violations are clearly documented as violations, and that they include the basis of the violation, the facts surrounding the violation, and the corrective action to be taken. Additionally relevant observations including suggestions, paperwork reviewed and changes to facility operations should be included to create a complete report.
11	The CUPA is not implementing its Inspection & Enforcement Plan (I&E Plan) in that they are not meeting the inspection frequencies that they have stated in the I&E Plan. The I&E Plan notes that annual inspections will be conducted. The following facilities were not inspected in the twelve months prior to the evaluation: • Progressive Vanguard (last 6/1/05) • High Ranch Nursery (last 6/2/05) • Sierra College (last 11/29/92) • Alpha Explosives (last 9/22/04) • Auburn Radiator (last 5/31/05)	By October 30, 2006, the CUPA shall identify how it will meet its goal of conducting inspections annually or update the I&P Plan and modify the inspection frequency. By October 30, 2006, The CUPA shall address how it will identify and inspect non silver-only CESQGs that are below HMBP thresholds and ensure that farms are being inspected. The CUPA will provide the information in the October 2006 Quarterly Report.

	Additionally, the CUPA is not conducting inspections at CESQG facilities (not including silver-only generators such as dentists) who are below HMBP thresholds or at farms. The CUPA did note that information was provided to these facilities on an as needed/requested basis. **Citation:** T22, CCR, section 15200(f)(1)	
12	The CUPA has not ensured that inventories or annual inventory certifications are current. Based on the files reviewed, 5 of the 9 business plans did not have current inventories or inventory certifications. **Citation:** HSC 25505(d)	Effective immediately, the CUPA will ensure that annual submissions include current inventories or certifications. By July 20, 2007, all business plans should be up to date. The CUPA will provide an update in the Quarterly Reports identifying the deficiency progress.
13	The CUPA has not inspected every stationary source subject to the CalARP Program within the past three years. **Citation:** HSC 25537(a)	By July 20, 2007, the CUPA will inspect at least one third of the stationary sources subject to the CalARP Program. The CUPA will provide an update in the Quarterly Reports identifying the deficiency progress.
14	The CUPA does not have a CalARP dispute resolution procedure. **Citation:** Title 19, 2780.1	By September 20, 2006, the CUPA will develop a CalARP dispute resolution procedure that addresses all of the elements of Title 19, 2780.1. The CUPA will provide appropriate documentation in the October 2006 Quarterly Report.
15	The CUPA is not obtaining business plans from all businesses subject to the business plan program. Specifically, agricultural handlers are neither regulated under the business plan program, nor properly exempted from the provisions of this program. These agricultural handlers are not being inspected under the provisions of the business plan program. **Citation:** HSC 25503.5	By July 20, 2007, the CUPA will develop a plan to evaluate which agricultural handlers are subject to the business plan program and take steps to either regulate these businesses or properly exempt them from the provisions of the program. The CUPA will provide an update in the Quarterly Reports identifying the deficiency progress.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

CUPA Representative DEBORAH KIRSCHMAN _____
(Print Name) (Signature)

Evaluation Team Leader Debbie Morris _____
(Print Name) (Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** The CUPA maintains a website with general information on the various programs in the Certified Unified Program Agency. The last update to the web indicated on the main CUPA page is 2/24/03. Therefore various web links are linked to web pages that are no longer available. Additionally, the link to "forms" directs the user to the main Cal/EPA web site. Examples of links not functional are: http://www.dtsc.ca.gov/LawsRegulationsPolicies/index.html http://www.calregs.com/cgibin/om_isapi.dll?clientID=583759&infobase=ccr&softpage=Browse_Frame_Pg42, http://www.epa.gov/swercepp/acc-pre.html, http://www.dtsc.ca.gov/HazardousWaste/index.html

   Recommendation: Having a website is an excellent tool for public access to the general information and forms. The CUPA should update the website and correct the unavailable links as soon as possible. Although some examples are provided, this is not a comprehensive list. Also, the CUPA should maintain their own program forms and applications directly on their website.

2. **Observation:** Files are well organized, alphabetized by facility, and contained in color coded folders depending on which programs the facilities fall under; therefore easily readable and accessible.

   Recommendation: Keep up the good work.

3. **Observation:** The CUPA's annual inspection summary reports indicate that there were 17 RCRA Large Quantity Generators (LQG) in Placer County during FY 04/05 and 35 during FY 03/04. Five LQG files were reviewed, and of the five, only one appeared to be a RCRA LQG. The information requested in the summary reports is information requested by U.S. EPA, and is specific to only those facilities generating more than 1,000 kg/month of RCRA hazardous waste.

   Recommendation: The CUPA may want to reassess the categories used in the data system to ensure that there are differences between businesses that generate >1,000 kg of RCRA hazardous waste (RCRA LQGs) and those that generate > 1,000 kg/mo of all hazardous waste (LQGs). Staff may need to be reminded of the difference between the two is only for the purposes of reporting, and does not have any effect on the applicability of the regulations.

4. **Observation:** The quality and quantity of observations in the CUPA's inspection report varies among inspectors, and appears to have decreased in quantity in the 2005 inspection reports. The checklist is not always used in conjunction with the "notes" page of the inspection report.

Recommendation: Remind staff that the notes page should include notation of all items reviewed during the inspection if the checklist is not used to indicate that the items were checked during the inspection.

5. **Observation:** The CUPA is not using the Administrative Enforcement Order process, choosing to refer enforcement cases to the District Attorney's Office instead. The CUPA noted that this is being done primarily based on the perceived length and complexity of the process based on experience with a similar administrative enforcement process used by LEAs.

   Recommendation: The CUPA may want to look at a modified process by which the show cause letter option is used, and if resolution is not reached in a short time frame, the case will then be referred to the District Attorney for resolution. This process has been effective in many other jurisdictions, and may provide for an easy method of settlement. Please consult with the District Attorney before starting such a process. If the CUPA would like hands on assistance, DTSC will provide it.

6. **Observation:** The CUPA has not taken any formal enforcement actions against hazardous waste generators or tiered permitting facilities. Annual Enforcement Summary Report indicates no formal enforcement in Fiscal Years 2002-2003 through 2004-2005.

   Recommendation: Remind all inspectors that Class I violations require formal enforcement perhaps through regular staff meetings or refresher trainings to ensure inspectors can recognize and document the violations (See observation number 8).

7. **Observation:** The CUPA's 2005 self audit refers to the Biennial Tiered Permitting Release Report (Report 5) in the General CUPA Administration section.

   Recommendation: Report 5 is no longer required to be prepared or submitted, therefore please do not utilize the resources to do prepare it.

8. **Observation:** The CUPA has not reported finding any Class I or Class II violations in fiscal Years 2002-2003 through 2004-2005. During the July 2006 DTSC oversight inspection, two Class II violations were noted.

   Recommendation: Remind all inspectors of the definitions of Class I and Class II violations, perhaps through regular staff meetings or refresher trainings.

9. **Observation:** The CUPA inspector that participated in the Hazardous Waste oversight inspection conducted a very thorough inspection, including good documentation in the inspection report, good and clear direction for correction of violations, and clear instruction for the operator of the facility at the time of close-out.

   Recommendation: Keep up the good work.

10. **Observation:** Since the last evaluation, the CUPA has identified its stationary sources, requested risk management plans (RMP) from these sources, and has received 10 of the 16 RMPs requested. No stationary source has been exempted from the provisions of the CalARP Program. The CUPA has performed preliminary risk determinations on 8 stationary sources. Completeness reviews of the 10 RMPs have not yet begun.

    Recommendation: This is excellent progress. Keep up the good work.

11. **Observation:** It does not appear that the Agricultural Commissioner is willing to participate in regulating agricultural handlers under the business plan program.

    Recommendation: OES recommends that the CUPA revisit the discussion with the Agricultural Commissioner's office. Point out that ag handlers are subject to the business plan program, the Agricultural Commissioner's participation allows certain exemptions from filing, and that the Agricultural Commissioner would be doing the inspections, rather than the CUPA.

12. **Observation:** In the CUPA Final Evaluation Report (April 2003), SFM agency notes indicate that the CUPA was not aware that South Placer Fire Protection District has initiated a permit and fee process for hazardous materials storage for quantities of hazardous materials that are within the threshold requirements of the Business Plan. This was confirmed with Debbie Kirschman, Placer CUPA representative, and she is not aware whether South Placer Fire Protection is actually doing it or not.

    Recommendation: The CUPA should ensure that all fire agencies within their jurisdiction that there is no duplication in collecting fees or conflicting requirements and if any, take necessary action to resolve these issues i.e., consolidate the Business Plan requirements. The CUPA should be aware that the fire agencies have the authority under the California Fire Code to establish fees, and require permits and HMISs for quantities under the threshold amounts specified in the Business Plan. To assist in emergency response planning, these meetings should include discussions of the HMISs and the fire agencies need for fire hazard class information to be specified on the forms. Documentation of these meetings should be maintained.

13. **Observation:** During the UST oversight inspection, the CUPA inspector wore inappropriate footwear.

    Recommendation: In the future, CUPA management should ensure inspectors are wearing appropriate footwear during inspections.

14. **Observation:** During the UST oversight inspection, the technician pulled covers off spill buckets and filled with water for testing prior to inspector arriving on scene. Therefore, the inspector did not see condition of spill buckets and did not annotate this in his inspection report.

Recommendation: The CUPA should talk to technicians and notify them that they can not start any type of testing until the CUPA inspector has the chance to inspect fill buckets, UDC's, and sumps.

15. **Observation:** The CUPA inspector did not ask for permission to inspect the facility to conduct the UST inspection.

    Recommendation: Prior to starting the facility inspection, the CUPA inspector should introduce themselves to the facility management and inform them of the inspection activities and generally what the CUPA will be looking at as part of the inspection.

16. **Observation:** The CUPA's UST Inspection form does not identify Significant Operational Compliance items or provide for a summary of these items for tracking purposes.

    Recommendation: Provide a means for determining SOC compliance during the inspection.

17. **Observation:** Although the inspector did not use a detailed inspection form, the inspector conducted a thorough inspection of facility.

    Recommendation: The State Water Board strongly encourages the CUPA to develop a more detailed UST facility inspection checklist and list of citations. The inspection checklist should include (tank, piping, sump, under-dispenser, overfill spill bucket, overfill prevention systems, audible/visual alarm, leak detection monitoring sensors, leak detection control panel, cathodic protection, alarm history, tri-annual secondary containment testing, designator operator, employ training, record keeping, etc.) that an inspector needs to verify to determine compliance.

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The Placer CUPA works closely and cooperatively with the Roseville Fire Department, who is a separate CUPA located within the Placer County boundaries. Various meetings and trainings are conducted cooperatively to foster and maintain good relations, program consistently between the two CUPAs, and program improvements. The last meeting covered topics such as quarterly monitoring reports, universal waste regulation implementation, perchlorate regulation implementation and transportation issues.

2. The CUPA has good documentation of Universal Waste outreach being utilized by its facilities that collect Universal Wastes such as the Materials Recycling Facility and the Temporary Household Hazardous Waste Collection Facility. The CUPA also had inspection reports that documented inspection of Universal Waste regulations. Additionally, the CUPA gave a good overview of Universal Waste related activities being conducted such as handling out posters and stickers for collection areas.

3. The new hazardous waste/business plan inspection forms include information on the back of the forms that provide good, brief, and clear general information regarding EPA ID numbers, labeling requirements for hazardous waste, accumulation times, container storage for hazardous materials, and management of used oil filters. The notes page of the forms includes definitions of Class I, Class II and Minor violations. The front of the form also has areas that can be used by the inspector to mark the regulatory status of the facility (CESQG, SQG, or LQG) as well as the number of each type of violation (Class I, Class II or Minor)