SAN LUIS OBISPO CUPA
Deficiency Progress Report
For 2005 Cal EPA evaluation
April 9, 2007 (With State Response)

1. **Deficiency:** Area Plan update not complete.

   CUPA Corrective Action: The Area Plan has been updated to contain provisions for access to state approved and permitted disposal facilities and emergency response contractors. The updated pages are attached.

   Cal/EPA and OES response: The updated information contains the provisions to correct this deficiency. No further updates are needed for this deficiency.

2. **Deficiency:** The CUPA is not ensuring that all businesses annually submit their hazardous materials inventory or a certification statement on or before March 1 to the CUPA. The CUPA is only inspecting approximately 1/2 of the businesses required to comply with the business plan program. Therefore, the CUPA is ensuring only approximately 1/2 of the businesses inventories are annually updated or current.

   CUPA Progress: A data base search shows that we did not complete an annual inspection for all hazardous materials handlers within the business plan program for 2006.

   A new inspector was hired in February 2007. Jeff Poel has been on leave since 2-5-2007. This vacancy has put an additional strain on the Agency. One inspector has just left on a 6-week medical leave. We are now operating with 2 inspectors within our Program until Jeff returns.
   We originally proposed to use our annual inspection to satisfy the annual inventory certification requirement.

   I now propose to amend our original approved procedure. We will endeavor to meet the annual inspection commitment but will supplement this with a signed certification statement received from the facilities not inspected. By the end of September of each year we will evaluate which facilities have not been inspected. We will then mail a request to the facilities to provide the inventory certification paperwork to this Agency. This will enable us to certify inventory for each facility by the end of 2007 for calendar year 2008. We will then repeat this procedure each year.

   Cal/EPA and OES response: The revised procedure should sufficiently correct this deficiency. Cal/EPA and OES will continue to monitor your

progress of implementing this new procedure via the deficiency progress reports.

3. **Deficiency:** The Annual Summary Reports indicate that 76 Class 1 violations were identified in FY 03/04. However, the CUPA did not initiate formal enforcement or make referrals for each of these violations.

   CUPA Progress: We had 70.8% of Class 1 violations corrected of the total Class 1 violations we cited in 2006. We have made improvement in this area, but we will endeavor to improve this for hazardous waste class 1 violations. It should be noted that we have focused on our greater threat. This is reflected in our statistics from the Underground Storage Tank Program. We corrected 95% of significant violations and 93% of minor violations in 2006.

   Cal/EPA and DTSC response: Cal/EPA and DTSC appreciate the CUPA's effort to improve performance with in the hazardous waste generator program and look forward to a 100% completion rate in the near future with regard to enforcement. Cal/EPA and DTSC will continue to monitor the progress via the deficiency progress reports.

4. **Deficiency:** The CUPA has not adequately documented that all facilities issued a notice to comply, citing minor violations, have returned to compliance within 30 days of notification.

   CUPA Progress: We had 68% of minor violations corrected of the total minor violations we cited in 2006. We have made improvement in this area, but we will endeavor to improve this for hazardous waste minor violations.

   Cal/EPA and DTSC response: Cal/EPA and DTSC appreciate the CUPA's effort to improve performance with in the hazardous waste generator program and look forward to a 100% completion rate in the near future with regard to enforcement. Cal/EPA and DTSC will continue to monitor the progress via the deficiency progress reports.

5. **Deficiency:** The CUPA is not ensuring that businesses are updating or submitting annual Hazardous Waste/Tiered Permitting Permit by Rule notifications. Additionally, the CUPA is not initiating appropriate enforcement actions against those businesses that fail to submit such information.

   CUPA Progress: Initially we were unaware the notification forms needed annual certifications. I checked our database and found all violations for these facilities have been corrected. Also all requested updates on notification form deficiencies were corrected. We mailed Hazardous Waste/Tiered Permitting Permit by Rule notifications to the seven facilities

we have in the County. We received three correct updated notifications. We received an incomplete responses from the Integrated Waste Management Authority on the four other facilities. We are following up with the contractor for these facilities to provide the correct certification for 2007.

Cal/EPA and DTSC response: Cal/EPA and DTSC appreciate the CUPA's effort to improve performance with in the hazardous waste generator program and look forward to a 100% completion rate in the near future with regard to inspection and enforcement. Cal/EPA and DTSC will continue to monitor the progress via the deficiency progress reports.

6. **Deficiency:** The plot plans contained in the UST facility files reviewed did not contain all the required elements. The plot plans are missing the location of where the monitoring is performed.

   CUPA Progress: I have created a list of UST facility files that have been checked for the monitoring location. Jeff proposed to randomly select 10 files at a time. The ten files selected have the monitoring location listed. All 113 facilities should be evaluated by the next quarterly progress report.

   Cal/EPA and SWRCB response: Cal/EPA is satisfied with the progress the CUPA is making towards correcting this deficiency. Cal/EPA will continue monitoring this deficiency until all the locations are identified.

7. **Deficiency:** The CUPA is not inspecting all UST facilities annually. During the past fiscal year, FY 04/05, the CUPA inspected approximately 85% of the UST facilities. However, during the previous three fiscal years, their inspection rate was approximately 50%.

   CUPA Progress: Our UST inspection total for Calendar year 2006 was 95%. It appears there may have been an error in the data entry completed for those years. It appears we may have to evaluate our database further as inspector resources show an inspection total of 98% for 2006 instead of 95%. We will evaluate our database to confirm the answer to this. Also the number of inspections shall be evaluated on the calendar year and not the fiscal year, as some facilities miss their annual certification date until we catch up with them. We expect to have a 100% of the UST facilities inspected for 2007.

   Cal/EPA and SWRCB response: The corrective action sufficiently corrects this deficiency. No further updates are needed for this deficiency.

8. **Deficiency:** The CUPA has not completed their annual Self-Audit Reports for the past three fiscal years, including an evaluation of their PA.

CUPA Progress: The CUPA will complete the entire annual self audit and the PA audit by September 30 of 2007. I have started these Audits. I met with the CUPA PA Coordinator: Mr. Kerry Boyle of the City of San Luis Obispo Fire Department to start the PA Audit. We used the checklist provided by Cal EPA and found it helpful. We completed most of the checklist and found some areas we need to work on, such as data management. We recently learned that our PA had not been able to save recent inspection data to Envision. We have since corrected this in February 2007. We should be able to provide a report of inspection statistics from our PA for the September 30 Audit deadline.

Cal/EPA response: Cal/EPA is satisfied with the progress the CUPA is making. Cal/EPA will continue tracking this deficiency until a complete self-audit is submitted to Cal/EPA.

The commitments I have made will remain valid to the best of my ability for the period of time I am the Supervisor.

If you have questions, please call me at (805) 781-5595.

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