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 8241

February 8, 2007

Mr. Lewis Pozzebon
Director/Health Officer
City of Vernon Health Department
4305 Santa Fe Avenue
Vernon, California 90058

Dear Mr. Pozzebon:

The California Environmental Protection Agency (Cal/EPA) and the Department of Toxic Substances Control conducted a program evaluation of the City of Vernon Health Department Certified Unified Program Agency (CUPA) on January 26, 2006. The evaluation consisted of a review of program elements, an in-office program review and field inspection. The state evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which included identified deficiencies, preliminary corrective actions, and timeframes.

Cal/EPA has received documentation of corrective actions taken by the City of Vernon Health Department for deficiencies found during the evaluation process. After reviewing the Summary of Findings and the documentation of corrective actions, Cal/EPA finds that all deficiencies noted in the Summary of Findings have been corrected.

Cal/EPA appreciates the actions taken by the City of Vernon Health Department. Based on these corrections, Cal/EPA has modified City of Vernon Health Department's rating on the evaluation from satisfactory with some improvement needed to meets program performance standards.

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

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures

1001 I Street • Sacramento, California 95814 • (916) 445-3846 • Fax: (916) 445-6401

Printed on Recycled Paper

cc: Mr. Mickey Pierce (Sent Via Email)
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CUPA File

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
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Alan C. Lloyd, Ph.D
Agency Secretary

Arnold Schwarzenegger
Governor

Certified Mail: 7000 0600 0027 1155 2901

March 28, 2006

Mr. Lewis Pozzebon, Director
City of Vernon Health Department
4305 Santa Fe Avenue
Vernon, California 90058

Dear Mr. Pozzebon:

The California Environmental Protection Agency (Cal/EPA), and the Department of Toxic Substances Control conducted a program evaluation of the City of Vernon's Certified Unified Program Agency (CUPA) on January 26, 2006. The evaluation was comprised of an in-office program review and field inspections. 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. I have reviewed the enclosed copy of the Summary of Findings and I find that the City of Vernon's program performance is satisfactory with some improvement needed. Cal/EPA's Unified Program staff will coordinate with your agency to track the correction of any identified deficiencies over the time frame and schedule included in the Summary of Findings.

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

Sincerely,

Jim Bohon for

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures
cc: See next page

cc: Ms. Loretta Sylve (Sent Via Email)
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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: **City of Vernon**

Evaluation Date: **January 26, 2006**

EVALUATION TEAM
Cal/EPA: John Paine
Cal/EPA: Loretta Sylve
DTSC: Mickey Pierce

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 Loretta Sylve at (916) 327-9558.

	Deficiency	Preliminary Corrective Action & Timeframe
1	The CUPA is not citing violations in a manner consistent with the requirements of the law. During both the file review and the Hazardous Waste oversight inspection it was noted that violations are documented in inspection reports containing only the corrective action and timeframe for correction, but not the facts of the violation.	By March 28, 2006, the CUPA should train staff in the proper citation of violations, noting that all violations must include the facts of the violation, the corrective actions, and the timeframes for correction. The CUPA may want to review the Cal/EPA Guidance for Inspection Report Writing.
2	The CUPA is not classifying violations in a manner that is consistent with the requirements of the law. During the file review, the following files contained violations that were addressed as "minor" violations, but the evaluator believes should be either Class I or Class II violations: a) Ameripride Uniform: Documented receiving HW from offsite locations without a permit; b) Santa Fe Machine Works: Documented failure to return the "blue copy" of the manifest to DTSC; c) Commercial Die Cast: Documented storage	The CUPA should take the following actions: 1) By March 28, 2006, train staff on the proper classification of violations, emphasizing the definitions and requirements for Hazardous Waste violations; and 2) By May 26, 2006, initiate formal enforcement actions for the Class I violations noted at Ameripride Uniform, Exide Technologies,

	greater than 90 days; d) Exide Technologies: Documented storage for greater than 90 days; e) Pechiney Cast Plate: Documented storage for greater than 1 year.	Pechiney Cast Plate, and Commercial Die Cast
3	The CUPA is not completely collecting, tracking and reporting all required data elements. This is demonstrated by the missing data seen in the 04/05 Report 4 (Enforcement Summary Report). The CUPA has indicated that part of the problem in collecting, tracking and reporting data has been in the CUPA's change from the SWEEPS data system to Envision, and the subsequent coding revisions that are required by the new system. This was identified in the CUPA's 03/04 and 04/05 self audits.	Within 60 days the CUPA shall initiate a system, which will allow for the tracking of enforcement related data or shall submit a work plan with dates by which expected changes to the existing system will be made.

CUPA Representative Lewis Pozzebon (Print Name) [signature] (Signature)

Evaluation Team Leader Loretta M Sylve (Print Name) Loretta K Sylve (Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** The CUPA has improved their documentation of the return to compliance for businesses with violations found during inspections. However, the information is not adequately reported on the annual summary reports submitted to Cal/EPA.

   Recommendation: Prior the submission of the FY 05/06 Annual Summary Reports, the CUPA should initiate a system to report all violations and return to compliance information. If the expected changes to the existing data system will not be completed by this time, (September 30, 2006) then the CUPA is encouraged to submit a work plan to ensure this data is reported for FY 05/06.

2. **Observation:** The CUPA has completed their annual self-audits and adequately addressed the Unified Program requirements. In fact, the reports include a detailed accounting of the CUPA's activities, during the fiscal year, for each regulated business. However, brief narrative language could incorporate to more accurately reflect or explain the activities of the CUPA during the reporting year. For instance, the CUPA has attached the Annual Summary Reports with no further explanation of the data. Whereas, a sentence or two could be added to the report that further clarifies, describes, or further interprets the single fee, inspection, and enforcement data.

   Recommendation: Incorporate additional language or text to more clearly depict the CUPA's activities performed during the reporting year, including details explaining data reported to the state annually.

3. **Observation:** During the oversight inspection the inspector failed to do the following: ask for the tank assessment, ask the facility regarding the handling of waste aerosol cans, adequately document the violations noted during the inspection, and note observations regarding the storage of TSDF copies of the manifests at a central location instead of at the facility.

   Recommendation: While the inspector demonstrated a good knowledge of the regulatory requirements applicable to the facility and a good relationship with the facility personnel, staff should be reminded to ensure the completeness of inspections.

4. **Observation:** The CUPA's inspection report does not appear to be a valuable tool in assisting inspectors in the identification of violations. The report being used does not provide any specifics regarding regulatory requirements, does not allow the inspector to indicate the classification of the violation, and does not specifically outline Tiered Permitting requirements.

   Recommendations: Consider either using a different inspection checklist that provides more guidance for inspectors, or providing inspectors with a "cheat sheet" that outlines the regulatory requirements and has space to record the classification of each violation.

Additionally, the CUPA may want to begin using a Tiered Permit-specific inspection report during inspections of facilities subject to that program element.

5. **Observation:** Inspection reports do not indicate that consent to conduct the inspection was asked for or granted, nor are they used to document general observations regarding the findings of the inspection.

   Recommendation: Have staff review the Inspection Report Writing Guidance Document that was endorsed by both Cal/EPA and the CUPA Forum Board.

6. **Observation:** The file for Commercial Die Cast notes that the Ball Burnishing treatment unit is treating only 5 gallons of waste in a month.

   Recommendation: The CUPA may want to review the Tiered Permitting notification submitted by Commercial Die Cast to ensure that the amounts of waste listed on the notification are indicative of the amounts of waste being treated, not the amounts of waste being generated as a result of treatment. This information may result in the change in Tier, since the CESQT tier that the facility is currently authorized for is limited to a total of 55 gallons or 500 pounds of waste at the facility.

7. **Observation:** The Contingency Plan submitted by Pechiney Cast Plate, and seen in its file is incomplete. The plan in the file is missing the locations of emergency equipment. This information is not included in the table of equipment, and is not included on the provided map.

   Recommendation: Include this as a violation during the next inspection at Pechiney Cast Plate.

8. **Observation:** Ameripride Uniform Services has notified for Tiered Permitting under the Conditionally Exempt- Specified Wastestream (CESW) tier. Based on the facility name, the evaluator would expect the facility to be eligible for the CE-Commercial Laundry (CECL) Tier. Additionally, the notification seen in the file includes only the Facility Page(s) for the authorization, and not the Unit Page(s).

   Recommendation: Examine the operations of Ameripride, and determine if CECL is not the more appropriate tier for onsite treatment. Have Ameripride submit a full notification, regardless of if it remains in the CESW tier or changes t the CECL tier.

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENATION

1. The City of Vernon CUPA has a complex interagency coordination and cooperation at local level among the City Fire, Building, Public Works, Fire, and Legal Departments. Coordination activities include one-stop permitting, a permitting and multi-media and multi-agency inspection process for new businesses applying for occupancy permits, CEQA/CUPA input opportunities, and interaction and interagency referrals among all city agencies. The CUPA also meets bi-monthly with all other CUPAs in the Los Angeles County jurisdiction to coordinate and make consistent the Unified Program in Los Angeles County.

2. The City of Vernon CUPA is responsible for multiple public and environmental health programs in addition to the six Unified Program elements, consolidating many of the activities of these programs with the activities of the Unified Program. For instance, they verify compliance with fire code, storm water, and food program mandates during their Unified Program inspections. To achieve this multi-media approach, all CUPA inspectors are Registered Environmental Health Specialists with extensive knowledge and provided with extensive training. For each Unified Program element, a staff member has been identified as the Lead Technical Resource to assist inspectors in more complicated programmatic issues and resolutions.

3. The CUPA's inspection and enforcement program has steadily been strengthened over the past couple of years. The inspections for all programs are typically achieved on a 12-18 month frequency, except for the annual UST compliance inspections. In addition to routine compliance inspections, the CUPA conducts re-inspections for all businesses with outstanding violations. The CUPA has increased the number of Administrative Enforcement Actions taken in the past two years. The following enforcement cases are examples of the actions were initiated and completed during the past fiscal year:

   1. CalARP Program
   Violation – Failure to comply with CalARP Program requirements and submission of RMP
   Current - administrative hearing held – CUPA to send letter requesting immediate program implementation and RMP submission within 12 months

   2. Hazardous Materials Business Plan Program
   Violations - Storage of hazardous materials without permit
   - Not reporting all hazardous materials handled at facility
   - Other non Unified Program violations
   Final Status - $2,706 (3,000 minus $294 towards fees) assessed and partially collected

   3. Hazardous Materials Business Plan Program
   Violations - Storage of hazardous materials without permit (70 drums)
   - Other non Unified Program violations
   Current Status - District Attorney dismissed all non Unified Program violations
   - DA intents to maintain misdemeanor for storage violation
   - DA to inform CUPA of action to be taken

An additional enforcement option has been incorporated into the CUPA's program, which utilizes the termination of utility services to the facility as another tool available to the CUPA to achieve compliance. Inspection and enforcement activities are summarized on a "Plant History Record" form, which is maintained on the inside cover of each regulated business file.

4. The CUPA has done a great job of identifying its regulated universe. The CUPA has reported a average regulated universe size of 195 facilities, while routine checks of the DTSC's Hazardous Waste Tracking System shows a regulated universe size of 187 facilities.

5. The CUPA has done a good job of addressing a prior deficiency regarding the documentation of return to compliance for violations. All but one file reviewed contained documentation of correction of violations, either by submission of information from the facility or by notation of abatement of the violation on the original inspection report by the inspector.