

ARTICLE 6. CUPA SELF-AUDITING AND REPORTING

§15280. Self-audit

- (a) The CUPA shall conduct an annual self-audit at the end of each state fiscal year and shall be maintained on file by the CUPA for a period of five years. Annual self-audit reports shall be completed by September 30 of each year. The time period covered by each self-audit is the state fiscal year from July 1 through June 30 of each year.
- (1) The first self-audit report shall be produced by September 30 following a full year of operation as a CUPA.
 - (2) Upon written request of the Secretary or a state agency responsible for overseeing one or more program elements, the CUPA shall forward the self-audit to the person or agency making the request upon 60 days notice.
 - (3) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to Health and Safety Code sections 25404.3(f) or 25533(f), the self-audit shall only include information on the program element or elements that particular agency is authorized to continue to operate and shall not include information related to the surcharge or single fee system.
- (b) The self-audit shall assess the performance of the CUPAs and any PA's implementation of standards in statutes and regulations established by the Secretary or the state agencies responsible for one or more of the program elements.
- (c) The self-audit report shall include:
- (1) A report of deficiencies with a plan of correction.
 - (2) A narrative summary of the effectiveness of activities including, but not limited to:
 - (A) Permitting;
 - (B) Inspections;
 - (C) Enforcement; and
 - (D) The single fee system.

- (3) An explanation of any discrepancies on the annual and quarterly reports of program activities submitted to the Secretary pursuant to section 15290 and the Unified Program requirements for those activities.
- (4) The annual review and update of the fee accountability program as required by section 15220.
- (5) A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program.
- (6) A summary of new programs being included in the Unified Program, if applicable.

Authority cited: Sections 25404, 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), (c) and (d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code; and Title 23, Section 2713, California Code of Regulations.

HISTORY

1. New article 6 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New article 6 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New article 6 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New article 6 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsections (a), (a)(1)(A)-(B), (a)(2), (b), and (b)(1)(B), repealer of subsection (b)(1)(C)(ii) and subsection renumbering, amendment of subsection (b)(2), new subsection (b)(3), amendment of subsection (c)(1) and (c)(1)(A), repealer of subsection (c)(1)(B), new subsections (c)(1)(B)-(c)(1)(B)(iii), and amendment of subsection (c)(2) and Note transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Change without regulatory effect adding subsection (b)(4) filed 5-28-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 22).
7. Amendment of article heading, section heading, section and Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
9. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).

§15290. Reporting

- (a) The CUPA shall submit the following reports for the previous fiscal year to the Secretary by September 30 of each year. The first reports shall be submitted by September 30 following a full state fiscal year of operation as a CUPA.
 - (1) The Annual Single Fee Summary Report using Report 2. It includes:

- (A) The amount of the single fee billed and the amount collected.
 - (B) The amount of any funds due to PAs and the amount actually transmitted.
 - (C) The amount of surcharge billed, the amount of surcharge waived, and the amount of surcharge collected for each category identified in section 15240(c).
 - (D) If the CUPA believes that the number of regulated businesses will change significantly in the current year or in the next year, then estimates of those changes for each program element will be provided in a cover letter with Report 2.
 - (E) A count for the year of the report of the total regulated businesses, UST facilities, USTs, onsite hazardous waste treatment facilities (PBR, CA, and CE), CalARP program stationary sources, waivers granted to stationary sources, and businesses subject to the CalARP program surcharge.
- (2) Annual Inspection Summary Report, using Report 3, provides summary information for each program element. The hazardous waste element is separated into parts for generators, LQGs, recyclers, and onsite treatment as shown on Report 3. The summary information includes the number of regulated businesses, total number of inspections, routine inspections, other inspections, and the inspected businesses that returned to compliance within established standards after routine inspections. Established standards vary by program element and are found in either state law or regulations, or the CUPA may adopt more stringent standards by local ordinance or in its application for certification. The report also collects total counts (not by program element) for these types of inspections: combined routine, joint, and integrated/multi-media; and a count of RMP audits for the CalARP program.
- (3) Annual Enforcement Summary Report, using Report 4, provides summary information for each program element. The hazardous waste element is separated into parts for generators, LQGs, recyclers, and onsite treatment, as shown on Report 4. The summary information includes the number of facilities with violations by type of violation; the number of informal enforcement actions; the total number of administrative actions, civil and criminal referrals and enforcement actions, and the total amount of fines and penalties initially assessed and collected. For the Class I and II violations within the hazardous waste program, it also provides a count of the total number of formal enforcement actions that were initiated within 135 days from the first day of a routine inspection or after making a

determination of the violations for a complaint investigation. (This last count excludes minor violations.)

(4) Reports 2 through 4 shall be submitted by the CUPA to the:

California Environmental Protection Agency
Unified Program Section

U.S. Mail: 1001 "I" Street
Sacramento, California 95814

Express Mail: P.O. Box 2815
Sacramento, California 95812

(b) On a semi-annual basis, each CUPA shall send information pertaining to local UST program implementation to SWRCB using Semi-Annual UST Program Report, Report 6. This report shall satisfy the requirements of Health and Safety Code section 25299.7(b) and California Code of Regulations, title 23, section 2713.

(1) Semi-Annual UST Program Report provides information on semi-annual changes to the count of regulated tank facilities; the number of active and permanently closed petroleum and non-petroleum tank systems; the number of completed UST facility inspections; a count of active UST facilities in compliance with release detection and release prevention requirements; and information regarding red tags issued pursuant to the California Code of Regulations, title 23, article 10.5. The CUPA will also review and verify the information shown from the previous reporting period and make any appropriate changes.

(2) The semi-annual reports shall be submitted by March 1 and September 1 to the:

State Water Resources Control Board
Division of Water Quality, UST Program
P.O. Box 2231
Sacramento, CA 95812- 2231

(c) The periodic reports required by this section shall be submitted in a paper form, unless the CUPA requests to submit the reports electronically and obtains the Secretary's prior approval of the file format.

(d) If the CUPA chooses to submit Reports 3, 4, and 6, required by section 15290, to the state in an electronic format, the CUPA shall:

- (1) Meet the standards specified in sections 15185 and 15187;
 - (2) Submit the data using the same layout and present the required information in the same order and general sequencing for each page as shown on each report, or use a facsimile version thereof; and
 - (3) Collect and report all of the information found on the report that applies to the CUPA.
- (e) Upon the written request of the Secretary or an authorized agent, or a state agency responsible for one or more program elements, the CUPA shall provide information listed in or derived from any part of the Unified Program data dictionary [refer to div. 3, subd. 1, chs. 1-5] to the person or agency making the request within 60 days. The scope of these requests by the Secretary for information on facilities and/or CUPA activities is limited to data included in the data dictionary. These additional data reports shall be submitted in a paper form, unless the person or agency making the request approves a CUPA's request to submit the reports electronically. CUPAs may request an extension upon showing good cause.
- (f) Nothing in this section shall limit the authority of the Secretary to request records or documents that are normally maintained by the CUPA in the course of implementing the Unified Program or otherwise required by law to be retained by the CUPA. The CUPA shall provide this information to the Secretary within 60 days.
- (g) Any other program reports required by federal or state law. The CUPA shall provide this information to the person or agency making the request within 60 days.
- (h) An agency authorized to operate a program element or elements pursuant to Health and Safety Code sections 25404.3(f) or 25533(f) shall only report information on the implementation of the program element or elements that particular agency is authorized to operate and shall not include information related to the surcharge or single fee system.
- (i) If the Secretary does not receive current information on the regulated business from each CUPA, the Secretary may use whatever information is available to estimate the data on regulated business.
- (j) The Secretary shall provide copies of the received summary reports required pursuant to section 15290 to any state agency with program element responsibilities under the Unified Program upon request.

Title 27
Division 1, Subdivision 4
Chapter 1

Authority cited: Sections 25404(b), (c), (d) and (e) and 25404.6(c), Health and Safety Code.
Reference: Sections 25299.3(b), 25404(b), (c) and (d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code.

HISTORY

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsections (a) and (b) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Repealer and new section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order, including amendment of subsection (k) transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
8. Change without regulatory effect redesignating and amending former subsection (c) as subsection (c)(i) and adopting new subsection (c)(ii) filed 7-11-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 28).
9. Change without regulatory effect repealing subsections (b) and (c)(ii), relettering subsections and amending newly designated subsection (b)(i) and Note filed 7-13-2004 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 2004, No. 29).
10. Amendment of subsections (c)(2) and (f) filed 11-16-2004; operative 12-16-2004 (Register 2004, No. 47).
11. Amendment of section heading and section filed 4-13-2007; operative 5-13-2007 (Register 2007, No. 15).