



Gavin Newsom  
Governor

Jared Blumenfeld  
Secretary for Environmental Protection

April 27, 2021

Ms. Marie Woodin  
Interim Director  
Sacramento County Environmental Management  
Environmental Compliance Division  
10590 Armstrong Avenue, Suite A  
Mather, California 95655-4153

Dear Ms. Woodin:

From January through February, 2018, CalEPA and the state program agencies conducted a performance evaluation of the Sacramento County Environmental Management Department Environmental Compliance Division Certified Unified Program Agency (CUPA). The evaluation comprised of an assessment of administrative documentation, regulated facility file documentation, California Environmental Reporting System data, and oversight inspections.

Upon completion of the evaluation, CalEPA issued a final report identifying program deficiencies and providing corrective actions with timeframes for correction. The report also noted program observations, recommendations, and examples of outstanding implementation.

CalEPA has received and reviewed the Evaluation Progress Reports submitted by the CUPA documenting the correction of the program deficiencies identified in the final report. CalEPA considers all deficiencies and incidental findings corrected. Sacramento County Environmental Management Department's implementation of the Unified Program has improved from "*satisfactory with improvements needed*" to "*meets*" Unified Program standards.

I congratulate you and your team for improving your Unified Program performance rating. Thank you for your continued commitment to the protection of public health and the environment through effective implementation of the Unified Program.

If you have any questions or comments, please contact John Paine, Unified Program Manager, at (916) 327-5092.

Sincerely,

Jason Boetzer  
Assistant Secretary  
Local Program Coordination and Emergency Response

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Enclosure

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Mr. Sam Porras  
Unified Program Evaluation Team Lead  
California Environmental Protection Agency

**CERTIFIED UNIFIED PROGRAM AGENCY**  
**Evaluation Progress Report 4**

**CUPA:** Sacramento County Environmental Management Department

**Evaluation Period:** January 2018 through February 2018

**Evaluation Team Members:**

- **CalEPA Team Lead:** Christopher Moon, Samuel Porras
- **DTSC:** Kevin Abriol
- **Cal OES:** Denise Gibson
- **State Water Board:** Sean Farrow
- **CAL FIRE-OSFM:** Glenn Warner

**Evaluation Progress Report 4 Submitted to CalEPA:** March 26, 2021

**Deficiencies Pending Correction:** None

**This Evaluation Progress Report concludes the 2018 CUPA Performance Evaluation.**

**No further Evaluation Progress Reports are applicable.**

Questions or comments regarding this evaluation should be directed to the CalEPA Team Lead:

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**1. DEFICIENCY: CORRECTED**

The CUPA is issuing Unified Program Facility Permits, which includes the underground storage tank (UST) operating permit, to facilities with USTs that are not in compliance.

For example:

- CERS ID: 10216915 - Permit issuance date is November 9, 2017. However, CERS indicates five of six violations cited on April 20, 2016, have no RTC.
- CERS ID: 10223725 - Permit issuance date is February 3, 2017. However, CERS indicates RTC did not occur until March 28, 2017.
- CERS ID: 10217170 - Permit issuance date is June 24, 2016. However, CERS indicates no RTC for cited violations dated February 26, 2016.
- CERS ID: 10223725 - Permit issuance date is February 6, 2016. However, CERS indicates RTC for cited violations dated January 29, 2016, did not occur until March 28, 2017.

Note: The examples provided above were identified during the CUPA evaluation and may not represent all instances of this deficiency.

Note: Please reference the following CERS FAQ: “When to Issue a UST Operating Permit.”

**CORRECTIVE ACTION: COMPLETED**

By **[First Update After January 1, 2019]**, the CUPA will provide CalEPA with the revised procedure for issuing permits to ensure Unified Program Facility Permits, which includes the UST operating permit, are withheld from facilities with USTs that are not in compliance. The procedure must identify how CUPA inspectors, managers, and support personnel confirm UST compliance before the permit is issued.

By **[Second Update]**, the CUPA will, if necessary, submit the revised procedure, based on feedback from State Water Board.

By **[Third Update]**, the CUPA will implement and train personnel on the revised plan or procedure. In addition, the CUPA will provide training documentation to CalEPA. Training documentation will include, but not be limited to an outline of the training conducted and a list of CUPA personnel attending the training.

With respect to permits already issued to facilities with USTs that are out of compliance, the CUPA will require UST violations to be corrected within 60 calendar days or initiate enforcement actions, which may include permit revocation.

Thirty days after the next permit issuance cycle the CUPA will identify and provide CalEPA with a list of UST facilities (CERS ID and facility name) where permits have been withheld from facilities with USTs that are not in compliance.

Ninety days after the next permit issuance cycle the CUPA will provide CalEPA copies of five permits, as selected by State Water Board. Documentation will include monitoring certifications, all other necessary testing and compliance documentation, and any Return to Compliance (RTC) documentation not found in CERS.

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**CITATION:**

HSC, Chapter 6.7, Section 25285(b)  
HSC, Chapter 6.11, Section 25404.2(a)(1)(A)  
CCR, Title 23, Section 2712(c) and (e)  
CCR, Title 27, Section 15260(c)(3)  
[CalEPA], [State Water Board]

**CUPA Update 1:**

The first update is not required until after January 1, 2019. The first update will be submitted on March 5, 2019.

**Evaluation Team Response 1 [State Water Board]:**

**State Water Board response:** Deficiency is a work in progress. State Water Board acknowledges the CUPA's Deficiency Progress Update 1 and the provision of revised permitting procedures are due the first update after January 1, 2019. State Water Board anticipates receiving and reviewing the CUPA's revised procedures for permit issuance with Update 3, March 5, 2019. Therefore, this deficiency is considered a work in progress as corrective action items remain.

**CUPA Update 2:**

The first update is not required until after January 1, 2019. The first update will be submitted on March 5, 2019.

**Evaluation Team Response 2 [State Water Board]:**

Deficiency is a work in progress. State Water Board acknowledges the CUPA's Deficiency Progress Update 1 and the provision of revised permitting procedures are due the first update after January 1, 2019. State Water Board anticipates receiving and reviewing the CUPA's revised procedures for permit issuance with Update 3, March 5, 2019. Therefore, this deficiency is considered a work in progress as corrective action items remain.

**CUPA Update 3:**

Health and Safety Code, Chapter 6.7, Section 25285 has been updated to reflect new language effective January 1, 2019. Effective on this date, "A local agency shall not issue or renew to operate an underground storage tank to either of the following: (1) A person operating an underground storage tank while a red tag is affixed pursuant to Section 25292.3. (2)(A) Except as provided in subparagraph (B), a facility while that facility is subject to an enforcement action seeking to impose administrative liability, civil liability, or criminal liability, pursuant to this chapter or any regulation implementing this chapter, unless the underlying violation or violations that are the subject of that enforcement action have been corrected or otherwise resolved to the satisfaction of the local agency. (B) A local agency may, but is not required to, issue a permit or renew a permit for a facility, after consultation with the board, while that facility is subject to an enforcement action, as described in subparagraph (A), if the facility is appealing, petitioning, or otherwise seeking reconsideration of the enforcement action."

As of January 1, 2019, it is no longer required a facility be in compliance with all requirements of Chapter 6.7 prior to the issuance of an operating permit from the local agency. The requirement per the Health and Safety Code is the operating permit shall not be issued where a red tag is affixed or the facility is subject to an enforcement action. Sacramento County CUPA will continue the current procedure of permit issuance.

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**Evaluation Team Response 3 [State Water Board]:**

State Water Board acknowledges Progress Update 3 and the provision of amendments to Health and Safety Code, Chapter 6.7, Section 25285 regarding permit issuance. No further action is necessary to correct this deficiency due to amendments to section 25285. State Water Board considers this deficiency corrected.

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**2. DEFICIENCY: CORRECTED**

The CUPA is not consistently and accurately reporting significant operational compliance (SOC) information.

Review finds the transfer of SOC information to CERS or the reporting of SOC information as incorrect.

The following are examples:

- CERS ID: 10216711 - September 29, 2017, inspection report indicates facility SOC determination as “with both release detection (RD) and release prevention (RP).” However, the CUPA reports in CERS one RD violation for Monitoring and Maintenance Records. The appropriate SOC determination is, “with only RP.”
- CERS ID: 10217170 - February 23, 2017, inspection report indicates facility SOC determination as “with both RD and RP.” However, the CUPA reports one RD violation for Monitoring and Maintenance records. The appropriate SOC determination is, “with only RP.”
- CERS ID: 10177841 - October 4, 2016, inspection report indicates facility SOC determination as “with both RD and RP.” However, the CUPA reports one RD violation for Monitoring and Maintenance records. The appropriate SOC determination is, “with only RP.”
- CERS ID: 10173907 - March 21, 2016, inspection report indicates facility SOC determination as “no significant operational compliance.” However, the CUPA reports one RD violation for “UST Monitoring – Post July 1, 2004.” The appropriate SOC determination is, “with only RP.”

**CORRECTIVE ACTION: COMPLETED**

By **Update 1**, the CUPA, in coordination with their Information Technology (IT) resource, will provide CalEPA with an analysis on “why” SOC information in CERS is not consistent and accurate.

By **Update 1** the CUPA, in coordination with their IT resource, will develop, implement, and provide CalEPA with a plan to consistently and accurately transfer SOC information or report SOC information to CERS based on the CUPA’s analysis. The plan will identify:

- Problem area and solutions;
- Timeframe for implementing solutions;
- The number of facilities with SOC information that have been successfully transferred; and
- The expected completion date to correct this deficiency.

With each Deficiency Progress Report the CUPA will provide CalEPA with an update of its progress for consistently and accurately transferring UST inspection information to CERS.

After the CUPA’s expected completion date, State Water Board will review CERS UST inspection information to determine correction of this deficiency.



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**CITATION:**

HSC, Chapter 6.7, Section 25288(b)  
HSC, Chapter 6.7, Section 25299  
HSC, Chapter 6.7, Section 25299.2(a)  
CCR, Title 23, Section 2712(c), (e), and (g)  
CCR, Title 23, Section 2713(c) and (d)  
CCR, Title 27, Section 15290(b)(1)  
[State Water Board], [CalEPA]

**CUPA Update 1:**

Sacramento County CUPA has investigated each of the four instances outlined above and found the original SOC determination made by the CUPA was correct. In our preliminary finding, Sacramento County mapped the violation to a general bucket in CERS (2030). We have determined that the general bucket used was expired at the time of the inspection and therefore the violation had no place to go. It is our theory that instead of the violation being held up by data validation, the violation was re-assigned by CERS to violation #2030001. This violation in CERS is a RD (Release Detection) violation and therefore provided the image that the violation was mis-mapped. During our investigation, we confirmed the violation was not mapped to #2030001 by Sacramento County. The SOC determination in CERS was assigned based on the original mapping to #2030.

We believe the issue of mis-mapping lies with CERS. We are currently working with our vendor, Accela, to further investigate the issue. However, Sacramento County is only able to investigate its own database and confirm the violations are mapped correctly. If the violations are changed when uploaded to CERS, the investigation into the CERS database would have to continue with the CERS team.

Sacramento County will continue to work with both Accela and CERS to determine the root cause of this issue and to identify and correct any other data transfer issues. Sacramento County has identified general bucket #2030 in CERS is expired and immediately discontinued any mapping of violations to this location.

**Evaluation Team Response 1 [State Water Board]:**

**State Water Board Response:** Deficiency is a work in progress. State Water Board acknowledges the CUPA's Deficiency Progress Update 1. The CUPA is noted as; 1) identifying "why" SOC criteria is not consistent and accurate; 2) no longer mapping violations to a specific expired CERS violation number; and 3) continuing to work with both Accela and CERS to determine the root cause of re-routing violations and to identify and correct any other data transfer issues. Therefore, State Water Board considers this deficiency a work in progress.

**CUPA Update 2:**

Sacramento County is continuing to work with Accela and CalEPA to determine the root cause of re-routing violations and identifying if there are any other data transfer issues. The investigation of where the re-routing may have occurred is extensive as it spans not only the internal database processes but involves the vendor (Accela) and the end client, CERS. Sacramento County will continue to work with Accela and CalEPA providing both with information to determine the root cause of how and why the violations are re-routed to incorrect final destinations in CERS.

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**Evaluation Team Response 2 [State Water Board]:**

Deficiency is a work in progress. State Water Board acknowledges the CUPA's Deficiency Progress Update 2. The CUPA is noted as continuing to work with both Accela and CERS to determine the root cause of re-routing violations and to identify and correct any other data transfer issues. Therefore, State Water Board considers this deficiency a work in progress.

**CUPA Update 3:**

After additional analysis, it was determined the SOC information was not correctly identified when the general bucket violations were cited (e.g. 2030, 2010, 2020). For example, it was determined that CERS Violation Number 2030 expired on 5/30/2016, but was still being issued by Sacramento County CUPA inspectors after the expiration date, which led to the incorrect misclassification to CERS Violation Number 2030001, which is a RD violation. Through this misidentification, it was determined the SOC determination was initially correct. Violation #2030001 (RD) replaced Violation #2030 (not an RD or RP Violation), which caused the SOC to appear to be incorrect, when in fact it was correct.

For Example, Inspector A issued a violation on 07/10/2016, for CERS Violation 2030. Since CERS Violation 2030 expired on 05/30/2016, the EMD's internal system automatically reassigned Violation 2030 to Violation 2030001 (since Violation 2030 no longer exists in CERS). Once Violation 2030001 was pushed up to CERS, it appeared that the facility was only in significant operating compliance with RP violations since Violation #2030001 is a RD violation. However, because of the unknown (behind the scenes) reassignment, the SOC classification indicates "With Both RD & RP", which is the correct classification but is contradicted by the presence of Violation #2030001.

Sacramento County CUPA has reviewed all mapped violations used for inspection to ensure all have been mapped correctly to the correct CERS Violation number. In addition, all expired CERS Violation numbers have been identified and the internal inspection checklist reviewed to ensure there are no violations that are mapped to an expired CERS Violation.

Sacramento County worked with the IT resource to further review expired CERS Violations and formulate a plan to consistently and accurately report SOC information to CERS. Please note, it was determined the final SOC determination was deemed to be accurate.

Problem Area & Solutions: The follow CERS Violations expired on 05/30/2016: 2030, 2030011, 2030019, 2010016, 2030003, 2030010, 2030023, 2030024, 2030026, 2030031, 2030047, 2030054, 2030060, 2060019.

- Sacramento County internal codes were improperly mapped to the expired CERS Violations. By using CERS Integration Wizard, IT identified which Q Codes are assigned to these CERS Violation Numbers.
- CERS Violation Numbers that no longer existed, specifically 2030 and 2030011 were cited multiple times and were being reassigned/re-mapped to Violation #2030001, unknowingly.

Number of successfully transferred SOC Information is now at 100% for 468 facilities. These were verified/corrected during data clean up.

**LONG TERM SOLUTION:** Sacramento County implemented a plan to address the changes made to the CERS Violation Library. Any updates to the Violation Library will be incorporated into the

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internal inspection checklist on the effective date of the CERS Violation. A group comprised of IT and Sacramento County Environmental Specialists will begin work on preparing for the CERS Violation Library changes to correctly map the internal “Q” Codes to the corresponding CERS Violation Number.

No additional issues have been encountered after 10/31/2017.

**Evaluation Team Response 3 [State Water Board]:**

State Water Board acknowledges Progress Update 3. The CUPA is noted as developing a long-term solution to ensure continued reporting of consistent and accurate SOC information to CERS. Further, the CUPA acknowledges successfully transferring SOC information for regulated UST facilities. State Water Board review of SOC information in CERS finds the CUPA consistently and accurately reporting SOC information. State Water Board considers this deficiency corrected.

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**3. DEFICIENCY: CORRECTED**

The CUPA is not consistently requiring UST facilities to implement initial enhanced leak detection (ELD) testing, as required by Health and Safety Code (HSC), Sections 25292.4 and 25292.5; based on a facility’s proximity to public drinking water wells.

State Water Board records show there are 14 UST facilities that have not completed the required initial ELD testing. Records also show five facilities submitting a request for reconsideration (RFR) to perform ELD testing application, which the State Water Board subsequently reviewed and denied.

State Water Board notes the CUPA has been working diligently over the last year, successfully getting facility owners/operators to submit RFR applications, conducting focused-based UST inspections citing violations for failure to implement ELD, and most recently issuing Show Cause Letters per the CUPA’s Inspection and Enforcement Plan.

Please be advised that if a UST owner/operator believes they are not within 1,000 feet of a public drinking water well, an RFR application must be submitted to State Water Board. The application form can be found at: <http://www.waterboards.ca.gov/ust/eld/index.shtml>.

Once received from the UST owner/operator, State Water Board will make a final determination whether or not ELD testing is required.

**CORRECTIVE ACTION: COMPLETED**

For **Update 1**, and with each Deficiency Progress Report Update thereafter, the CUPA will provide CalEPA with a narrative update on the status of UST facilities and ELD implementation.

To demonstrate correction of this deficiency, the CUPA will provide CalEPA with a copy of ELD test results showing the completion of required testing.

**CITATION:**

HSC, Chapter 6.7, Section 25292.4 and 25292.5  
CCR, Title 23, Section 2640(e) and 2644.1  
[State Water Board]

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**CUPA Update 1:**

ELD results have been provided for two facilities.

EMD is moving through the established process to achieve compliance with all other facilities.

**Evaluation Team Response 1 [State Water Board]:**

State Water Board response: Deficiency is a work in progress. State Water Board acknowledges the CUPA's Deficiency Progress Update 1. The CUPA is noted as providing passing ELD test results for Prime Gas Valero and Stop and Shop. This deficiency is a work in progress as there are UST facilities with pending ELD submittals.

**CUPA Update 2:**

ELD results have been provided for an additional five facilities:

- Shell Facility #135842: 9199 Folsom Blvd., Sacramento (CERS ID 10216915)
- M & M Fuels, Inc.: 4747 Northgate Blvd., Sacramento (CERS ID 10217233)
- Prime Gas/Valero: 7282 Franklin Blvd., Sacramento (CERS ID 10216942)
- Stop and Shop Market: 6007 Dry Creek Rd., Rio Linda (CERS ID 10216741)
- Fastrip 8895: 8061 Florin Rd., Sacramento (CERS ID 10155695)

EMD is moving through the established process to achieve compliance with the remaining facilities. The following facilities have been entered into the Administrative Enforcement Order (AEO) process:

- B & E Market: 7596 Bradshaw Rd., Sacramento (CERS ID 10226368)
- Super Gas & FoodMart: 4305 Fruitridge Rd., Sacramento (CERS ID 10216972)
- Big D Liquor and Food: 4710 Auburn Blvd., Sacramento (CERS ID 10216645)
- Calvine Arco: 8338 Power Inn Rd., Elk Grove (CERS ID 10220386)

**Evaluation Team Response 2 [State Water Board]:**

Deficiency is a work in progress. State Water Board acknowledges the CUPA's Deficiency Progress Update 2. The CUPA is noted as providing passing ELD test results for five UST facilities. Further, the CUPA indicates initiating the AEO process for four UST facilities. This deficiency is a work in progress as there are UST facilities with pending ELD submittals.

**CUPA Update 3:**

1. The following three facilities have submitted a Request For Reconsideration (RFR) to the Water Board, response pending:
  - Delta Food and Fuel: 14161 River Road, Walnut Grove (CERS ID# 10217296)
  - Servo Gasoline: 2931 Mather Field Road, Rancho Cordova (CERS ID# 10220005)
  - Interstate Oil Company: 9050 Elkmont Way, Elk Grove (CERS ID# 10218808)
  - When the response for the RFR is received, we will proceed with ensuring the test is performed or removed the facility from the requirement.
2. The following four facilities have been issued an AEO and have settled with the stipulation the test will be performed:
  - B & E Market: 7596 Bradshaw Road, Sacramento (CERS ID# 10226368)
  - Big D Liquor & Food: 4710 Auburn Blvd., Sacramento (CERS ID# 10216645)
  - Calvine Arco: 8338 Power Inn Road, Elk Grove (CERS ID# 10220386)
  - Super Gas and Foodmart: 4305 Fruitridge Road, Sacramento (CERS ID# 10216972)

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The above mentioned facilities are currently obtaining contracts for testing with an approved ELD tester.

3. Folsom Gas: 8651 Folsom Blvd (CERS ID# 10216912) is an abandoned site. A Notice to Comply and a Show Cause Letter have been issued to the owner with most correspondence returned as undeliverable. Currently working with counsel on how to proceed.
4. Rio Linda Gas and Mart: 732 M Street, Rio Linda (CERS ID# 10217134) is currently under construction for removal and replacement of single walled components. The ELD test will be performed at the conclusion of construction activities.
5. Copart: 8687 Weyand Ave., Sacramento (CERS ID# 10225639) has procured a UST Removal Permit from EMD to remove the USTs in question.
6. The following two facilities had their USTs removed and installed new systems:
  - Sac Valley Truck Stop: 7891 Stockton Blvd., Sacramento (CERS ID# 10226647): tanks removed 12/19/2006, and new systems installed January 2007.
  - Sunrise Rancho Gas: 2295 Sunrise Blvd., Rancho Cordova (CERS ID# 10217341): tanks removed 10/30/2015, and new systems installed February 2016.

**Evaluation Team Response 3 [State Water Board]:**

State Water Board acknowledges Progress Update 3. The CUPA is noted as providing a narrative update regarding identified facilities and status of ELD such as pending RFR application determinations, enforcement activities, and closure activities. State Water Board encourages the CUPA to continue following up with facilities identified as needing to implement ELD and ensure ELD is completed.

For Update 4, provide CalEPA with:

- the State Water Board response for the RFRs of the following CERS IDs, and the status of ensuring the ELD test is performed at those facilities, or whether the requirement has been removed for the facility: CERS IDs 10217296, 10220005 and 10218808; and
- the status of ensuring the ELD test is performed at the following facilities with settled AEOs: CERS IDs 10226368, 10216645, 10220386 and 10216972.

**CUPA Update 4:**

- The State Water Board response for the RFRs of the following CERS IDs, and the status of ensuring the ELD test is performed at those facilities, or whether the requirement has been removed for the facility: CERS IDs 10217296, 10220005 and 10218808
1. Delta Food and Fuel (CERS ID# 10217296) – RFR denied / ELD testing completed on 3/27/2020, results attached.
  2. Servo Gasoline Cordova (CERS ID# 10220005) – RFR denied / Facility is no longer subject to H&SC 25292.4 or 25292.5. On July 12, 2018, Aspen Grove Mobile Home Park (AGMHP) connected to California American Water as their drinking water source. EMD's water protection group documented the connection transition on July 12, 2018, and as a result removed AGMHP as a regulated small water system.
  3. Interstate Oil Company (CERS ID# 10218808) – RFR denied / ELD testing completed on 3/17/2020, results attached.
- The status of ensuring the ELD test is performed at the following facilities with settled AEOs: CERS IDs 10226368, 10216645, 10220386 and 10216972.

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1. B & E Market (CERS ID# 10226368) – ELD testing completed on 3/21/2020, results attached.
2. Big D Liquor & Food (CERS ID# 10216645) – ELD testing completed on 3/06/2019, results attached.
3. Calvine Arco (CERS ID# 10220386) – ELD testing completed on 11/23/2019, results attached.
4. Super Gas and Foodmart (CERS ID# 10216972) – ELD testing completed on 6/26/2019, results attached.

**Evaluation Team Response 4 [State Water Board]:**

Review of the identified UST facilities finds the requirement to implement ELD has been completed or is currently not required. State Water Board notified the owner or operator for CERS ID 10220005 to implement ELD as it is within 1,000 feet of Aspen Grove Mobile Home Park public drinking water well. On July 12, 2021, Aspen Grove Mobile Home Park confirmed they connected to California American Water and is now using the water well for irrigation only. State Water Board will issue a conditional approval letter for CERS ID 10220005 as the previous Request for Reconsideration was denied by the State Water Board on May 7, 2018. This deficiency is considered corrected.

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**4. DEFICIENCY: CORRECTED**

The CUPA's Inspection and Enforcement (I&E) Plan has inaccurate information and is missing a required component. Specifically:

- The inspection frequency for Onsite Waste Treatment facilities is inaccurately stated as every three years. The frequency should state "initial inspection within two years of notification and every three years thereafter."
- The Plan is missing provisions for addressing the receipt, investigation, enforcement, and the closure of a complaint. Although the CUPA has established and is implementing complaint response procedures that address all of the required provisions, the provisions are missing or are not referred to in the I&E Plan.

**CORRECTIVE ACTION: COMPLETED**

For **Update 1** the CUPA will provide CalEPA with a copy of the corrected I&E Plan that addresses the following:

- Revision of the inspection frequency for Onsite Waste Treatment facilities to reflect that initial inspections will occur within two years of notification and every three years thereafter.
- Include, or include by reference, the CUPA's complaint provisions.

The CalEPA guidance document, "Guidance Document for Inspection and Enforcement," is available for the CUPA. However, specific guidance for addressing complaints are not currently in the guidance. Please continue to refer to the "CalEPA Inspection and Enforcement Resources for Unified Program Agencies" webpage in the future as guidance for addressing complaints and others are being updated and will become available. The guidance documents can be found at the following website:

CalEPA Inspection and Enforcement Resources for Unified Program Agencies  
<https://calepa.ca.gov/cupa/resources/>

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**CITATION:**

CCR, Title 27, Section 15200(a)  
[CalEPA, DTSC]

**CUPA Update 1:**

The I&E Plan has been updated. Please find the updated plan at:

[http://www.emd.saccounty.net/EC/CUPA/Documents/Form/CUPA\\_ProgramInspectionAndEnforcementPlanFinal.pdf](http://www.emd.saccounty.net/EC/CUPA/Documents/Form/CUPA_ProgramInspectionAndEnforcementPlanFinal.pdf)

**Evaluation Team Response 1 [CalEPA, DTSC]:**

**CalEPA response:** The deficiency has been corrected. Please see DTSC's comment for specific notes.

**DTSC response:** DTSC appreciates the efforts the CUPA has made towards correcting this deficiency. DTSC notes that the Inspection Frequency for On-site HW Treatment facilities now states "Initial within 2 years" and provisions for addressing the receipt, investigation, enforcement, and the closure of a complaint have been added to the CUPA's I&E Plan. DTSC considers this deficiency corrected.

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**5. DEFICIENCY: CORRECTED**

The CUPA is not consistently documenting RTC for Aboveground Petroleum Storage Act (APSA) facilities cited with violations in inspection reports.

For example:

- CERS ID: 10731013 - May 12, 2017, inspection indicates 10 minor violations. A Notice of Violations (NOV) was issued. However, no RTC has been reported in CERS.
- CERS ID: 10222546 - December 4, 2014, inspection indicates two minor violations. A Notice of Violations (NOV) was issued. However, no RTC has been reported in CERS.
- In Fiscal Year (FY) 2014/2015, two facilities were cited for violation #4010001 with no reported RTC in CERS.
- In FY 2015/2016, eight facilities were cited for violation #4010001 with no reported RTC in CERS.
- In FY 2016/2017, 11 facilities were cited for violation #4010001 with no reported RTC in CERS.

Note: The examples provided above were identified during the CUPA evaluation and may not represent all instances of this deficiency.

The CUPA has an active follow-up policy that includes failure-to-return-to comply (FRC) letters sent quarterly to all facilities with open violations. The CUPA has utilized NOV, Administrative enforcement and fine/penalty assessment as part of their enforcement process.

**CORRECTIVE ACTION: COMPLETED**

By **Update 1**, the CUPA will provide CalEPA with a sortable RTC tracking spreadsheet of the total number of APSA facilities that have open violations. The CUPA will follow-up with the facilities listed in the provided spreadsheet and prioritize follow-up actions based on the level of hazard. At minimum, the spreadsheet will include:

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- Facility name and address;
- CERS ID number;
- Facility ID number (if applicable);
- Inspection and violation dates;
- Scheduled RTC date;
- Actual RTC date;
- RTC qualifier; and
- Follow-up actions, with timeframes.

By **Update 2**, and with each subsequent Deficiency Progress Report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet.

By **Update 3**, the CUPA will provide CalEPA with a copy of RTC documentation for 10 APSA facilities requested by state agencies during the previous quarter.

**CITATION:**

HSC, Chapter 6.11, Section 25404.1.2(c)  
CCR, Title 27, Section 15200(a)  
CCR, Title 27, Section 15185(a) and (c)  
[CalEPA], [OSFM]

**CUPA Update 1:**

CME data download for APSA facilities on August 3 2018: **412** outstanding APSA violation records

CME data download for APSA facilities on August 31, 2018: **364** outstanding APSA violation records

Sacramento County will provide an updated spreadsheet each Deficiency Progress Report that includes the requested information. The tab in the spreadsheet dated 8/31/2018, is the most recent data download.

The data in each download spans the timeframe from the beginning of CERS to 8/3/2018. Each updated data download will be this timeframe.

It was noticed that the number of outstanding violations changed from the first download to the second which can be attributed to the buffer period of 28 days for CME data transfer. Since greater than 28 days has passed since the last data download, the additional violations are violations that occurred before 8/3/2018, and have been uploaded to CERS.

The sortable RTC tracking spreadsheet is attached for review. The follow up actions are located in the spreadsheet tab labeled "Outstanding Vio 080318".

**Evaluation Team Response 1 [OSFM]:**

**OSFM response:** The CUPA provided an updated RTC tracking spreadsheet for APSA facilities without RTC.

A CERS APSA CME report was generated on September 10, 2018. The CERS report identifies 105 APSA violations without RTC, covering the time period from July 2014 through June 2017, as detailed below:



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- FY 2016/2017: 52 of 215 (24%) violations are without RTC, including 10 facilities cited for violation #4010001 with no reported RTC in CERS.
- FY 2015/2016: 30 of 139 (22%) violations are without RTC, including six facilities cited for violation #4010001 with no reported RTC in CERS.
- FY 2014/2015: 23 of 311 (7%) violations are without RTC, including two facilities cited for violation #4010001 with no reported RTC in CERS.

A copy of the CERS report has been provided to the CUPA.

OSFM considers this deficiency a work in progress and encourages the CUPA to pursue compliance at all facilities cited for violation #4010001. With the next deficiency progress report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet, including documenting appropriate follow-up activity and reporting their progress with ensuring compliance with each facility.

**CUPA Update 2:**

CERS APSA CME report generated on 12/5/2018, with date range of July 2014 through June 2017, attached. Summarized below:

- FY 2016/2017: 34 of 215 (16%) violations are without RTC, including six facilities cited for violation #4010001 with no reported RTC in CERS.  
Reduced number of facilities with violations without RTC from 24% to 16%.  
Reduced number of facilities cited for violation #4010001 from 10 to six (40%).
- FY 2015/2016: 20 of 139 (14%) violations are without RTC, including three facilities cited for violation #4010001 with no reported RTC in CERS.  
Reduced number of facilities with violations without RTC from 22% to 14%.  
Reduced number of facilities cited for violation #4010001 from six to three (50%).
- FY 2014/2015: 13 of 311 (4%) violations are without RTC, including zero facilities cited for violation #4010001 with no reported RTC in CERS.  
Reduced number of facilities with violations without RTC from 7% to 4%.  
Reduced number of facilities cited for violation #4010001 from two to zero (100%).

Sortable tracking spreadsheet is attached for review. The follow up actions are located in the spreadsheet tab labeled "AST Outstanding Vio 120508".

**Evaluation Team Response 2 [OSFM]:**

**OSFM response:** The CUPA provided an updated RTC tracking spreadsheet for APSA facilities without RTC.

A CERS APSA CME report was generated on December 10, 2018, which confirms the data summarized in the CUPA's update.

OSFM considers this deficiency a work in progress and encourages the CUPA to pursue compliance at all facilities cited for violation #4010001.

With the next deficiency progress report, the CUPA will provide CalEPA with an updated version of the RTC tracking spreadsheet, including documenting appropriate follow-up activity and reporting their progress with ensuring compliance with each facility.

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**CUPA Update 3:**

CERS APSA CME report generated on 2/20/2019, with date range of July 2014 through June 2017, attached. Summarized below:

- FY 2016/2017: 20 of 215 (9%) violations are without RTC, including two facilities cited for violation #4010001 with no reported RTC in CERS.  
Reduced number of facilities with violations without RTC from **16% to 9%**.  
Reduced number of facilities cited for violation #4010001 from **six to two (67%)**.

**Enforcement:** CERS #10731013, FA0008249: CENTRAL TRANSPORT, 3610 52ND AVE., SACRAMENTO, CA 95823

Administrative Enforcement Order issued February 2019.

- FY 2015/2016: 0 of 139 (0%) violations are without RTC, including zero facilities cited for violation #4010001 with no reported RTC in CERS.  
Reduced number of facilities with violations without RTC from **14% to 0%**.  
Reduced number of facilities cited for violation #4010001 from **three to zero (100%)**.
- FY 2014/2015: 9 of 311 (2.9%) violations are without RTC, including zero facilities cited for violation #4010001 with no reported RTC in CERS.  
Reduced number of facilities with violations without RTC from **4% to 2.9%**.  
Reduced number of facilities cited for violation #4010001 from **zero to zero (100%)**.

Sortable tracking spreadsheet is attached for review. The follow up actions are located in the spreadsheet tab labeled "AST Outstanding Vio 022019".

**Evaluation Team Response 3 [OSFM]:**

The CUPA provided an updated RTC tracking spreadsheet for APSA facilities that demonstrated very significant RTC progress.

A CERS APSA CME report generated on March 5, 2019, identified that only one facility cited for violation #4010001 in FY 2016/2017 had no reported RTC in CERS. The CUPA has followed up with enforcement via an AEO at this facility.

OSFM considers this deficiency corrected.

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