CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6175 0053

May 19, 2010

Mr. Mark McCormick
Fire Marshal
City of Santa Rosa Fire Department
955 Sonoma Avenue
Santa Rosa, California 95404-4803

Dear Mr. McCormick:

The California Environmental Protection Agency (Cal/EPA), California Emergency Management Agency, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the City of Santa Rosa Fire Department Certified Unified Program Agency (CUPA) on April 20 and 21, 2010. The evaluation was comprised of an in-office program review and field oversight inspections by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that the City of Santa Rosa Fire Department program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Ernie Genter every 90 days after the evaluation date; the first report is due on July 20, 2010.

Cal/EPA also noted during this evaluation that the City of Santa Rosa Fire Department has worked to bring about a number of local program innovations, including being one of the first jurisdictions to fully implement a paperless electronic reporting program and electronic field inspections, and an outstanding outreach program that utilizes frequent bulk e-mails to all, as well as targeted, regulated businesses. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program website 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,

[Original signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email:

Ms. Cory Vincent
City of Santa Rosa Fire Department
955 Sonoma Avenue
Santa Rosa, California 95404-4803

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Sacramento, California 94244-2102

Ms. Jennifer Lorenzo
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Mr. Mark Pear
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
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Mr. Jack Harrah
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Enclosure

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CERTIFIED UNIFIED PROGRAM AGENCY
EVALUATION SUMMARY OF FINDINGS

CUPA: **City of Santa Rosa Fire Department**

Evaluation Date: **April 20 and 21, 2010**

EVALUATION TEAM

Cal/EPA: **Ernie Genter**
SWRCB: **Terry Snyder**
Cal EMA: **Jack Harrah**
DTSC: **Mark Pear**
OSFM: **Jennifer Lorenzo**

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, 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 Ernie Genter at (916) 327-9560

	Deficiency	Preliminary Corrective Action
1	The CUPA is not accurately tracking and reporting all items required on their Annual Inspection Summary Report 3 and the Annual Enforcement Summary Report 4. For example, the CUPA did not accurately report the number of routine inspections and the number of other inspections for fiscal years (FY) 2007-2008 and 2008-2009. The CUPA did not report all the number of facilities with minor violations, number of informal enforcement actions, the number of formal enforcement actions, and the number of local Administrative Enforcement Orders (AEO) for FY 07/08 and 08/09. Also, the CUPA did not accurately report the number of underground storage tank (UST) facility inspections on the Semi-Annual UST Report 6 for 2007, 2008 and 2009. There were discrepancies in the numbers of inspections reported on Report 6 and Report 3. The CUPA is currently transitioning into a new data management system (RMS). The CUPA has demonstrated that the quality of the data now being collected and reported has greatly improved and should assure accurate tracking and reporting.	By September 30, 2010, while the CUPA continues to update and improve their database management system, the CUPA will ensure that the information reported on the Annual Inspection Summary Report 3, the Annual Enforcement Summary Report 4 and the Semi-Annual UST Report 6 will be complete. Before submittal of the reports, the CUPA will verify that the data reported are as accurate as possible.

	CCR, Title 27, Section 15290(a)(2) & (3) and 15290(b) (Cal/EPA) **CCR, Title 23, 2713 (SWRCB)**	
2	The CUPA has incorporated the annual California Accidental Release Prevention (CalARP) performance audit into the annual Title 27 self-audit. This is fine, but one of the elements of the performance audit has been omitted - stationary sources that have been exempted from the provisions of the CalARP program. **CCR, Title 19, Section 2780.5(b)(8) (Cal EMA)**	If the Title 27 self-audit is to suffice as the CalARP performance audit, as well, then, beginning with the upcoming 2009-2010 self-audit, the CUPA must ensure that all eight of the elements of 19 CCR 2780.5(b) are addressed, even if the answer is "no" or "none."
3	While the Santa Rosa City Fire Department has reported RCRA LQG data (inspections, violations and enforcement actions) annually on the Annual Report 3 and 4, they have not reported the information on a quarterly basis to DTSC. **HSC 25187(m)** **15290(g)[DTSC]**	The Santa Rosa City Fire Department CUPA shall begin reporting LQG data on a quarterly basis beginning with the next quarterly update on May 1st to Chuck McLaughlin DTSC 8800 Cal-Center Drive, Sacramento, CA 95826.

CUPA Representative

Corey Vincent — *Original Signed*

(Print Name) — (Signature)

Evaluation Team Leader

Ernest S. Genter — *Original Signed*

(Print Name) — (Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** Cal EMA participated in a business plan inspection on April 19, 2010. The CUPA inspector was thorough and professional, covered all elements of the business plan program, other elements of the Unified Program (waste generation and universal waste), as well as Fire Code requirements. The inspector took time to explain to the handler what the next steps in the inspection process were, what the timelines for compliance were, and answered questions to the handler's satisfaction.

   Recommendation: None offered. This CUPA is transitioning from paper reports to electronic reports with minimal stress to the regulated community.

2. **Observation:** The CUPA's area plan is integrated into Sonoma County's area plan. This document was last reviewed and updated in 2007, before the pesticide drift language was introduced into Title19.

   Recommendation: Cal EMA recommends that the CUPA work with Sonoma County to ensure that pesticide drift response plans, which must be incorporated into the area plan in 2010, include the city of Santa Rosa.

3. **Observation:** The CUPA's annual self-audits meet the minimum requirements of addressing all required elements. However, comprehensive details could be provided, especially the narrative summaries of the effectiveness of permitting, inspection, and enforcement activities, and the narrative summary of the annual review and update of the fee accountability program.

   Recommendation: Cal/EPA recommends that the CUPA provide more detailed information in the annual self-audits that can be of use to evaluation of the CUPA's program and the development of program improvements. Detail might include, but not limited to: the number of new businesses added to any given program element, the number of existing businesses that have closed, effectiveness of the permitting program, effectiveness or issues in implementing electronic reporting, sufficiency of the number of inspections completed in each program, outcome of enforcement actions taken, adequacy of cross training and interagency referral program, staff resource adequacy, budget adequacy, annual funding, accounting procedures, time/task analyses updates, cost calculation methods, plans for program improvement, and any other program accomplishments.

4. **Observation:** On the Facility Information form (Form A) the Board of Equalization (BOE) number was missing on 3 of 5 files reviewed.

   Recommendation: The SWRCB strongly recommends that the CUPA ensure that the BOE number be entered into the form which is the first line check that this facility has the number and is paying the BOE fee. This fee goes into the Cleanup Fund. Also if the facility does not have a BOE number the CUPA should not accept, for the Mechanism Type (Item C) of the Financial Responsibility submittal,

the State Cleanup Fund as the insurance coverage.

5. **Observation:** The CUPA's files are well-organized, chronological, and information is easily obtained.

Recommendation: The CUPA is encouraged to continue to maintain their files in a well-kept manner.

6. **Observation:** Based on the City of Santa Rosa 2009-2010 Fee Schedule, the CalARP state surcharge is shown as $350.

Recommendation: Revise the fee schedule to reflect the correct CalARP state surcharge amount of $270. Ensure that any CalARP businesses were not charged the incorrect fee.

7. **Observation:** The APSA program is not included in the CUPA's Inspection and Enforcement (I&E) Program Plan.

Recommendation: Include the APSA program in the CUPA's I&E Program Plan.

8. **Observation:** The CUPA's general permit conditions (for non-UST facilities) cited incorrect statute for the APSA program (Health and Safety Code, division 20, chapter 6.6). Chapter 6.6 of the Health and Safety Code is the Safe Drinking Water and Toxic Enforcement Act of 1986. Also, the Uniform Fire Code section is referenced under the "California Fire Code."

Recommendation: The correct information has been submitted to the CUPA. Update the general permit conditions to reference the correct information.

9. **Observation:** Based on the facility file review, several old paper files are still retained with the files. The CUPA has a separate folder for confidential information, such as facility site plans/maps. However, several old facility site maps are not marked "confidential" or included in the confidential folder.

Recommendation: Ensure that any confidential information are kept confidential regardless of how old the information is or discard old files as necessary following the CUPA's records disposal process.

10. **Observation:** The CUPA has exceeded the triennial inspection frequency for the business plan, hazardous waste, tiered permit, and CalARP programs. In addition, the CUPA has inspected its underground storage tank facilities annually.

Recommendation: The CUPA is encouraged to continue to keep up the good work.

11. **Observation:** The CUPA is conducting inspections with a frequency that is consistent with its Inspection and Enforcement Plan and with the inspection of other program elements. The CUPA has inspected all hazardous waste generators that have been identified by the CUPA.

1) 445 hazardous waste generators were identified in Fiscal Year 06/07 of which 171 were inspected.
2) 490 hazardous waste generators were identified in Fiscal Year 07/08 of which 141 were inspected.
3) 485 hazardous waste generators were identified in Fiscal Year 08/09 of which 218 were inspected.

Recommendation: Please continue with your outstanding inspection frequency.

12. **Observation:** The CUPA has not been documenting in its most recent electronic on-site ticket inspection reports that consent has been granted by the owner/operator to enter his place of business to conduct a hazardous waste generator inspection. The reports do not provide citations for the violations noted as had been done in pervious years using the CUPA's earlier checklist formatted inspection reports. The electronic ticket inspection reports do not distinguish among Class I, Class II, and minor violations.

Recommendation: DTSC recommends that the CUPA revise the electronic ticket inspection reports so that they document that consent has been granted by the owner/operator on the report. Documentation of consent only serves to strengthen any potential enforcement case defeating any potential challenge that the 4th amendment may have been abridged. The inspection reports may be improved by referencing citations to Title 22 and the Health and Safety Code instead of the notation "available upon request". The CUPA may wish to modify its electronic ticket inspection reports to classify violations in order to distinguish between enforcement modes for Class I, Class II and minor violations.

13. **Observation:** The CUPA was able to demonstrate that four of the complaints which were referred by DTSC from April 01, 2007 thru April 01, 2010 were tracked. Follow up documentation could be found for Complaints Nos. 07-0407-0195, 07-0507-0233, 07-0807-0443 and 07-0907-0476, but not for 07-0407-0195, 08-0608-0484, 08-0208-0134, 08-0208-0086 and 07-1207-0728.

Recommendation: Ensure that all complaints are being received by the CUPA from DTSC by providing the e-mail address of the person who should receive complaints to NLancast@dtsc.ca.gov, complaint coordinator. Investigate and document all complaints referred. Investigation does not always entail inspection, as many issues may be resolved by other means such as a phone call. In any instance, it is suggested that all investigations be documented, either by inspection report or by "note to file" and placed in the facility file. Please notify the complaint coordinator of the disposition of all complaints.

14. **Observation:** The CUPA inspector conducted a complete hazardous waste generator inspection. The inspector asked for consent, took photographs, and toured the entire site. Record keeping related to hazardous waste including manifests, contingency plan, training plan, and training records were reviewed. The inspector noted his findings and concluded the inspection with a close out of his summary of violations on site, provided fact sheets, and addressed all of the operator's concerns.

Recommendation: No Recommendation

15. **Observation:** Eleven hazardous waste inspection reports were reviewed, which were the following:
1)11/13/2008 inspection of Flex located at 1402 Manner Way in Santa Rosa, CA lacked a signed Return to Compliance or re-inspection report.
2) 06/19/2007 inspection of Hawley's Paints located at 60 Elsa in Santa Rosa, CA.
3) 12/09/2008 inspection of Grapevine Party Rentals located at 3360 Coffey Lane in Santa Rosa, CA.
4) 11/24/2008 inspection of Macken Instruments located at 233 Twin Pillar Way in Santa Rosa, CA.
5) 02/09/2007 inspection of Shikai Products located at 3330B Coffey Lane in Santa Rosa, CA
6) 07/29/2008 inspection of Santa Rosa Corporate Center located at 3 Civic Plaza in Santa Rosa, CA.
7) 03/01/2010 inspection of DSI located at 3300 Coffey in Santa Rosa, CA.
8) 09/11/2008 inspection of Kaiser Permanete located at 3925 Old Redwood Highway located in Santa Rosa, CA.
9) 01/15/2008 inspection of The Center for Family Wellness located at 2200 Range in Santa Rosa, CA.
10) 12/12/2008 inspection of AT&T located at 175 Railroad Street in Santa Rosa, CA.
11) 08/04/2008 inspection of Printing Plus located at 55 Ridgeway in Santa Rosa, CA.

Of the eleven files reviewed, the CUPA had either Return to Compliance certificates, documentation, or re-inspection reports for ten of those facilities found with minor violations.

Recommendation: No recommendation

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. **Outreach:** The CUPA frequently sends out news letters and program updates via bulk e-mails to all CUPA regulated businesses. The CUPA has the capability to send notices to certain business types for more efficient delivery of specific program information including training, guidance and reference documents regarding program changes, the CUPA's expectations for program activities and inspections, and other topics. These bulk e-mails are also sent out in non-English languages. The CUPA has a general CUPA e-mail (CUPA@srcity.org) that gets significant usage with questions, suggestions, and comments from the regulated community.

2. **Electronic Reporting:** All of the CUPA's business plan information (business activities, owner/operator identification, chemical inventory, and site maps/plans) were formerly in Unidocs and have been imported into the California Environmental Reporting System (CERS). Approximately 90 percent of businesses have confirmed their CERS data. All CUPA regulated business forms and documents are now being submitted electronically into CERS, including UST forms and documents. The CUPA verifies the emergency response plan and training plan during field inspections and requests copies if any changes have been made.

   Furthermore, all of the CUPA's inspection, enforcement, and training data are maintained on the RMS data management system. The CUPA has effectively used the field-tablets using the RMS database with a mobile capability for conducting inspections in the field. Small portable printers are also used to print out inspection reports (Notice of Violation) have been signed and are provided to the owner or operator at the conclusion of each inspection. Multiple copies can be made and the reports may also be electronically mailed to the facility representatives or owners. Once the inspector is connected to the City's wireless network, the data are synchronized and uploaded immediately onto the CUPA's database.

   The CUPA is in the process of developing a program that will allow for business plan data to be accessed using GIS on ArcView. The CUPA's next goal is to aim for data from CERS to be synchronized with and incorporated into the CUPA's GIS data, so that emergency responders are able to download real-time data thru wireless capability.

   The CUPA continues to scan and digitize its historical or paper files into a separate city-wide database for records retention. All paper files will eventually be destroyed, resulting in a paperless CUPA program.

3. **Enforcement:** Since the last evaluation in April 2007, the CUPA has become more confident with initiating formal enforcement. The CUPA has taken numerous formal enforcement actions, including AEOs, local AEOs/citations, Red Tags and referrals. These included one UST settlement for $60,000 in penalties. The CUPA has sponsored, and encouraged handlers with compliance issues to attend, environmental compliance classes at Santa Rosa Junior College. The CUPA conducts re-inspections of nearly all minor violations to assure return to compliance or to begin implementation of a graduated series of enforcement. All inspections, re-inspections and enforcement actions are very well tracked and scheduled by the RMS data management system.