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State Water Resources Control Board

December 6, 2017

**UST PROGRAM EVALUATION CHECKLIST WITH ANNOTATION**

In accordance with California Health and Safety Code Section 25404.4 the Secretary for the California Environmental Protection Agency periodically reviews the ability of each Certified Unified Program Agency (CUPA) to assess whether the CUPA is continually meeting the intent of the law: coordination, consolidation, and consistency by implementation and enforcement of all Unified Program elements.

The CUPA performance evaluation process is defined in Title 27 of the California Code of Regulations, Article 8, Section 15330 and documented in the CalEPA Evaluation Manual. Each performance evaluation is conducted by an evaluation team comprised of representative staff from each state agency with Unified Program responsibilities including representatives of the State Water Resources Control Board (State Water Board). As a member of evaluation team, the State Water Board uses a wide spectrum of performance measures, criteria, and data. The evaluation may include a site visit to the CUPA office to examine local program procedures, program documentation or observation of inspectors in the field during Underground Storage Tank (UST) inspections.

State Water Board developed an internal performance evaluation checklist for its evaluators to increase the consistency, efficiency and efficacy of the evaluation process. The performance evaluation checklist is a one-page checklist covering the various aspects of an evaluation used by evaluators. The checklist has been revised to include a multi-page checklist referencing the Deficiency Library, statute, regulation, local guidance letters, and State Water Board correspondence to provide the reader language used for potential deficiencies and the authority for inclusion in the evaluation effort. In some instances there may also be considerations which the evaluator takes into account as part of the evaluation when examining a particular aspect of the CUPA's UST program.

State Water Board has a goal of transparency into the evaluation process and is sharing the performance evaluation checklist as it may be a useful guidance document for CUPA's in preparation for a performance evaluation or when performing a self-audit for implementation of the Unified Program.

Please note, the evaluation checklist is considered a "living" document and will be amended as Deficiency Library, statute, regulation, local guidance letters, and State Water Board correspondence are revised.

If you have any questions regarding this correspondence, please contact me at (916) 341-5870 or via email at [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov).

Sincerely,



Laura S. Fisher, Chief  
UST Leak Prevention Unit and  
Office of Tank Tester Licensing

**STATE WATER RESOURCES CONTROL BOARD  
UNIFIED PROGRAM EVALUATION CRITERIA - SUMMARY OVERVIEW**

CUPA: \_\_\_\_\_ Evaluator: \_\_\_\_\_ Date: \_\_\_\_\_

Pre-Evaluation																																																																																			
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**STATE WATER RESOURCES CONTROL BOARD  
UNIFIED PROGRAM EVALUATION CRITERIA - DETAILED OVERVIEW**

Pre-Evaluation	
Review CUPA History	Kickoff Meeting
Report 6	CERS CME
<p>On time Deficiency Library E: The Significant Operational Compliance Report (Report 6) for the period of [Insert Period] was submitted late.</p> <p>CCR, Title 23, Section 2713 (c) CCR, Title 27, Section 15290 (b)(1)(2)</p>	<p>Inspection Frequency Deficiency Library H: The CUPA is not inspecting all UST facilities annually.</p> <p>HSC, Chapter 6.7, Section 25288(a) CCR, Title 23, Section 2712(e)</p> <p>Consideration of less than the required inspection frequency: Inspection frequency for last three years (i.e. consistent, increase, or decrease in inspections), adequate CUPA staffing, completeness of inspections, CUPA utilizing UST inspector resources for onsite inspection activates not requiring inspector presence (i.e. secondary containment testing, spill bucket testing), meets federal inspection frequency, etc.</p>
<p>Aligns with CERS CME data Deficiency Library C: The CUPA is not [consistently] collecting, managing and reporting the number of UST inspections.</p> <p>CCR, Title 23, Section 2713(c)(3) CCR, Title 27, Section 15185(a)</p> <p>Deficiency Library D: The CUPA is not [consistently or correctly] reporting all violations, including significant operational compliance (SOC) criteria, in CERS when UST violations are cited during the annual UST compliance inspection.</p> <p>CCR, Title 23, Section 2713(d) CCR, Title 27, Section 15290(b)(1)</p> <p>Deficiency Library H: The CUPA is not inspecting all UST facilities annually.</p> <p>HSC, Chapter 6.7, Section 25288(a) CCR, Title 23, Section 2712(e)</p>	<p>Inspection timeliness</p> <p>HSC. 25288(a) CCR. Title 23, Section 2712(e)</p>

<b>Pre-Evaluation (continued)</b>		
	<p>Aligns with self-audit data</p> <p>Deficiency Library C: The CUPA is not [consistently] collecting, managing and reporting the number of UST inspections.</p> <p>CCR, Title 23, Section 2713(c)(3)</p> <p>CCR, Title 27, Section 15185(a)</p>	<p>Inspection classification</p> <p>CCR, Title 27, Section 15110</p>
	<p>Red Tags reported</p> <p>Deficiency Library D : The CUPA is not [consistently or correctly] reporting all violations, including significant operational compliance (SOC) criteria, in CERS when UST violations are cited during the annual UST compliance inspection.</p> <p>CCR, Title 23, Section 2713(d)</p> <p>CCR, Title 27, Section 15290(b)(1)</p>	<p>Violation classification</p> <p>Deficiency Library F: The CUPA is not consistently and correctly reporting UST violations in CERS.</p> <p>HSC, Chapter 6.7, Section 25288(b)</p> <p>HSC, Chapter 6.7, Section 25299</p> <p>HSC, Chapter 6.7, Section 25299.2(a)</p> <p>CCR, Title 23, Section 2712(c), (e), and (g)</p> <p>CCR, Title 23, Section 2713(c) and (d)</p> <p>CCR, Title 27, Section 15290(b)(1)</p>
	<p><b>CERS Submittal versus Acceptance Dates</b></p> <p>HSC, Chapter 6.7, Section 25288(a)</p> <p>Refer also to State Water Board correspondence, "When to Review Underground Storage Tank (UST) Records" dated November 29, 2016.</p>	<p>Red tags reported</p> <p>Deficiency Library D: The CUPA is not [consistently or correctly] reporting all violations, including significant operational compliance (SOC) criteria, in CERS when UST violations are cited during the annual UST compliance inspection.</p> <p>CCR, Title 23, Section 2713(d)</p> <p>CCR, Title 27, Section 15290(b)(1)</p> <p>CalEPA deficiency; Deficiency Library E: The CUPA's data management system is not able to electronically transfer inspection, violation, and enforcement information to the California Environmental Reporting System (CERS).</p> <p>HSC, Chapter 6.11, Section 25404(e)(4)</p> <p>CCR, Title 27, Section 15187(c)</p> <p>CalEPA deficiency; Deficiency Library V: The CUPA did not report all inspection, violation, and enforcement information to the California Environmental Reporting System (CERS).</p> <p>HSC, Chapter 6.11, Section 25404(e)(4)</p> <p>CCR, Title 27, Section 15290(b)</p> <p>CCR, Title 27, Section 15187(c)</p>

**STATE WATER RESOURCES CONTROL BOARD  
UNIFIED PROGRAM EVALUATION CRITERIA - DETAILED OVERVIEW**

<b>Pre-Evaluation (continued)</b>	
	<p>Violation RTC rate</p> <p>Deficiency Library N: The CUPA is not [consistently] requiring UST facilities with testing or leak detection failures to return to compliance.</p> <p>HSC, Chapter 6.7, Section 25288(d)</p>
<b>CERS UST Facility tank data</b>	
<p>UST information accurate &amp; complete</p> <p>Deficiency Library A: The CUPA is not [consistently] ensuring that all appropriate UST related information in CERS is accurate and complete.</p> <p>HSC, Chapter 6.7, Section 25286 HSC, Chapter 6.7, Section 25288(a) CCR, Title 23, Section 2632(d)(1) CCR, Title 23, Section 2634(d)(2) CCR, Title 23, Section 2641(g) and (h)</p> <p>Considerations: Does the information in CERS reflect compliance with both the State and Federal UST Program (i.e., following required use of CERS on July 1, 2013 and subsequent submittals, does the facility have the mandated financial responsibility, spill buckets, overfill, monitoring, construction, etc.), and has the submittal been reviewed for accuracy prior to acceptance.</p> <p>Deficiency Library I: The CUPA is not [consistently] conducting complete annual UST compliance inspections.</p> <p>HSC, Chapter 6.7, Section 25288(a)</p> <p>Deficiency Library T: The CUPA is not ensuring all USTs including associated piping, used for the storage of hazardous substances installed on, or after, July 1, 2004, are in compliance with the requirements of HSC, Chapter 6.7, Section 25290.1.</p> <p>HSC Chapter 6.7 25290.1</p>	<p>Enforcement reporting</p> <p>CalEPA deficiency; Deficiency Library E: The CUPA's data management system is not able to electronically transfer inspection, violation, and enforcement information to the California Environmental Reporting System (CERS).</p> <p>HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15187(c)</p> <p>CalEPA deficiency; Deficiency Library V: The CUPA did not report all inspection, violation, and enforcement information to the California Environmental Reporting System (CERS).</p> <p>HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15290(b) CCR, Title 27, Section 15187(c)</p>

**Pre-Evaluation (continued)**

<p>BOE number</p> <p>HSC, Chapter 6.7, Section 25286(c)(9)</p> <p>Refer also to LG-170 Collection of Tank Owner BOE Account Number</p>	<p>SOC data aligns with Report 6</p> <p>Deficiency Library C: The CUPA is not [consistently] collecting, managing and reporting the number of UST inspections.</p> <p>CCR, Title 23, Section 2713(c)(3) CCR, Title 27, Section 15185(a)</p> <p>Deficiency Library D: The CUPA is not [consistently or correctly] reporting all violations, including significant operational compliance (SOC) criteria, in CERS when UST violations are cited during the annual UST compliance inspection.</p> <p>CCR, Title 23, Section 2713(d) CCR, Title 27, Section 15290(b)(1)</p> <p>CalEPA deficiency; Deficiency Library E: The CUPA's data management system is not able to electronically transfer inspection, violation, and enforcement information to the California Environmental Reporting System (CERS).</p> <p>HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15187(c)</p> <p>CalEPA deficiency; Deficiency Library V: The CUPA did not report all inspection, violation, and enforcement information to the California Environmental Reporting System (CERS).</p> <p>HSC, Chapter 6.11, Section 25404(e)(4) CCR, Title 27, Section 15290(b) CCR, Title 27, Section 15187(c)</p> <p>Refer also to LG-164 Reporting of Significant Operational Compliance</p>
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**STATE WATER RESOURCES CONTROL BOARD  
UNIFIED PROGRAM EVALUATION CRITERIA - DETAILED OVERVIEW**

<b>Pre-Evaluation (continued)</b>		
	<p>Submittals reviewed in a timely manner</p> <p>HSC, Chapter 6.7, Section 25288(a)</p> <p>Refer also to State Water Board correspondence, "When to Review Underground Storage Tank (UST) Records" dated November 29, 2016.</p> <p>Used as supporting information.</p>	



Evaluation	
I&E Plan	Self-Audits
<p>Inspection procedures aligns with LG 159</p> <p>Used as supporting information.</p>	<p># UST inspections conducted</p> <p>CalEPA deficiency; Deficiency Library S: The CUPA's fiscal year [YY-YY] self-audit report is missing the following required components:</p> <p>CCR, Title 27, Section 15280(c)</p>
<p>UST inspection frequency is accurate</p> <p>CalEPA deficiency; Deficiency Library G: The CUPA's Inspection and Enforcement (I&amp;E) Plan has inaccurate or incomplete information or is missing required components.</p> <p>CCR, Title 27, Section 15200(a)</p> <p>CalEPA deficiency; Deficiency Library H: The CUPA is not annually reviewing and updating the Inspection and Enforcement (I&amp;E) Plan.</p> <p>CCR, Title 27, Section 15200(b)</p>	<p># regulated facilities aligns with CERS</p> <p>Deficiency Library C: The CUPA is not [consistently] collecting, managing and reporting the number of UST inspections.</p> <p>CCR, Title 23, Section 2713(c)(3)</p> <p>CCR, Title 27, Section 15185(a)</p>
<p>Enforcement procedures aligns with H&amp;SC</p> <p>CalEPA deficiency; Deficiency Library G: The CUPA's Inspection and Enforcement (I&amp;E) Plan has inaccurate or incomplete information or is missing required components.</p> <p>CCR, Title 27, Section 15200(a)</p> <p>CalEPA deficiency; Deficiency Library H: The CUPA is not annually reviewing and updating the Inspection and Enforcement (I&amp;E) Plan.</p> <p>CCR, Title 27, Section 15200(b)</p>	<p>Inspection frequency</p> <p>Deficiency Library H: The CUPA is not inspecting all UST facilities annually.</p> <p>HSC, Chapter 6.7, Section 25288(a)</p> <p>CCR, Title 23, Section 2712(e)</p> <p>Consideration of less than the annual inspection frequency: Inspection frequency for last three years (i.e. consistent, increase, or decrease in inspections), adequate CUPA staffing, completeness of inspections, CUPA utilizing UST inspector resources for onsite inspection activates not requiring inspector presence (i.e. secondary containment testing, spill bucket testing), meets federal inspection frequency, etc.</p>

**STATE WATER RESOURCES CONTROL BOARD  
UNIFIED PROGRAM EVALUATION CRITERIA - DETAILED OVERVIEW**

<b>Evaluation (continued)</b>	
<p>UST citations accurate CalEPA deficiency; Deficiency Library G: The CUPA's Inspection and Enforcement (I&amp;E) Plan has inaccurate or incomplete information or is missing required components.</p> <p>CCR, Title 27, Section 15200(a)</p> <p>CalEPA deficiency; Deficiency Library H: The CUPA is not annually reviewing and updating the Inspection and Enforcement (I&amp;E) Plan.</p> <p>CCR, Title 27, Section 15200(b)</p>	
<b>Consolidated Permit Plan</b>	<b>Policies &amp; Procedures</b>
<p>Aligns with statute/regulation</p> <p>CCR, Title 27, Section 15190</p>	<p>Implementation of UST program CalEPA deficiency; Def A: The CUPA did not establish and implement the following Unified Program administrative procedure[s]:</p> <p>CCR, Title 27, Section 15180(e)</p> <p>CalEPA deficiency; Deficiency Library B: The CUPA's Unified Program administrative procedure[s] are missing necessary components.</p> <p>CCR, Title 27, Section 15180(e)</p>
<p>UST program implementation CalEPA deficiency; Deficiency Library F: The CUPA's Unified Program facility permit (consolidated permit) does not contain the following required components:</p> <p>CCR, Title 27, Section 15190(h)</p> <p>Deficiency Library G: The CUPA is issuing Unified Program Facility Permits, which includes the UST operating permit, to facilities with USTs that are not in compliance.</p> <p>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)</p>	<p>Exceed statute/regulations Deficiency Library M: The CUPA is citing violations in annual UST compliance inspection reports for which it has no authority under either Chapter 6.7 or Local Ordinance.</p> <p>HSC, Chapter 6.7, Section 25299.2(a)</p>

<b>Evaluation (continued)</b>	
<p>More stringent than statute/regulations</p> <p>HSC, Chapter 6.7, Section 25299.2 CCR, Title 27, Section 15190</p>	<p>Conflicts with statute/regulations</p> <p>HSC, Chapter 6.7, Section 25299.2 CCR, Title 27, Section 15180</p>
<b>ELD Requirements</b>	<b>Tank Closure/Abandonment Review</b>
<p><b>Outstanding ELD tests required</b></p> <p>Deficiency Library O: The CUPA is not [consistently] requiring UST facilities to implement conduct the initial enhanced leak detection (ELD) testing, as required by Health and Safety Code, sections 25292.4 and 25292.5; based on a facility's proximity to public drinking water wells due to proximity to public drinking water wells.</p> <p>HSC, Chapter 6.7, Section 25292.4 and 25292.5 CCR, Title 23, Section 2644.1</p> <p>Refer also to LG-161 Enhanced Leak Detection</p>	<p><b>Tank closure documentation</b></p> <p>Deficiency Library Q: The CUPA is not consistently documenting in sufficient detail whether the UST owner/operator has demonstrated to the satisfaction of the CUPA, tank closure, removal and soil sampling complies with statute and regulation and maintaining closure records as required by statute and regulation.</p> <p>CCR, Title 23, Section 2672(d) CCR, Title 27, Section 15180(e)(2) CCR, Title 27, Section 15185(a) and (c)(3)</p>
<p><b>Periodic testing in place as needed</b></p> <p>Deficiency Library P: The CUPA is not [consistently] requiring UST facilities with single-walled component(s) to implement a program of three-year periodic enhanced leak detection (ELD) testing due to proximity to public drinking water wells.</p> <p>HSC, Chapter 6.7, Section 25292.4 CCR, Title 23, Section 2640(e) and 2644.1</p> <p>Refer also to LG-161 Enhanced Leak Detection</p>	<p><b>Sampling appropriate</b></p> <p>Deficiency Library R: The CUPA is not requiring proper sampling and analysis of soil and/or water during or immediately after closure activities.</p> <p>CCR, Title 23, Section 2672(d)</p>

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<b>Evaluation (continued)</b>	
	<p>Abandoned USTs</p> <p>Deficiency Library S: The CUPA is not regulating, enforcing, and ensuring abandoned USTs are properly closed.</p> <p>HSC, Chapter 6.7, Section 25298 HSC, Chapter 6.7, Section 25299(a)(5) or (b)(3)</p>
<b>Local Ordinances</b>	<b>ICC Inspector Certification</b>
<p>Local ordinances in place for UST program</p> <p>Deficiency Library M: The CUPA is citing violations in annual UST compliance inspection reports for which it has no authority under either Chapter 6.7 or Local Ordinance.</p> <p>HSC, Chapter 6.7, Section 25299.2(a)</p>	<p>Review CERS acceptance</p> <p>Deficiency Library B: CUPA personnel that are not certified as International Code Council (ICC) California UST Inspectors are accepting UST submittals in CERS.</p> <p>CCR, Title 23, Section 2715(j)</p> <p>Deficiency Library I: The CUPA is not [consistently] conducting complete annual UST compliance inspections.</p> <p>HSC, Chapter 6.7, Section 25288(a)</p>
<p>Local ordinances in CERS</p> <p>Deficiency Library M: The CUPA is citing violations in annual UST compliance inspection reports for which it has no authority under either Chapter 6.7 or Local Ordinance.</p> <p>HSC, Chapter 6.7, Section 25299.2(a)</p>	<p>Obtain ICC numbers from inspectors</p> <p>Used as supporting information.</p>
<p>More stringent than statute/regulations</p> <p>Deficiency Library M: The CUPA is citing violations in annual UST compliance inspection reports for which it has no authority under either Chapter 6.7 or Local Ordinance.</p> <p>HSC, Chapter 6.7, Section 25299.2(a)</p>	<p>Verify ICC status current</p> <p>Used as supporting information.</p>

**Evaluation (continued)**

<b>Permits</b>	<b>Facility File Review</b>
<p>Issuance date versus valid period Def: The CUPA is not issuing Unified Program Facility Permits, which includes the UST operating permit, prior to or upon the expiration date of an existing permit.</p> <p>HSC, Chapter 6.7, Section 25284(a) CCR, Title 23, Section 2712(c)</p>	<p>Inspection reports Def I: The CUPA is not [consistently] conducting complete annual UST compliance inspections.</p> <p>HSC, Chapter 6.7, Section 25288(a)</p> <p>Def K: The CUPA is not [consistently] preparing annual UST compliance inspection reports for every annual UST inspection.</p> <p>HSC, Chapter 6.7, Section 25288(b)</p> <p>Def L: The CUPA is not consistently and correctly associating violations to specific USTs or UST systems in annual UST compliance inspection reports.</p> <p>HSC, Chapter 6.7, Section 25288 HSC, Chapter 6.7, Section 25299 CCR, Title 23, Section 2712(c), (e), and (g) CCR, Title 23, Section 2713(c) and (d) CCR, Title 27, Section 15290(b)(1)</p> <p>Def M: The CUPA is citing violations in annual UST compliance inspection reports for which it has no authority under either Chapter 6.7 or Local Ordinance.</p> <p>HSC, Chapter 6.7, Section 25299.2(a)</p> <p>Refer also to LG-159 Enclosure, Annual Underground Storage Tank Compliance Inspection Handbook</p>

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<b>Evaluation (continued)</b>	
<p>Issued to compliant facilities Deficiency Library G: The CUPA is issuing Unified Program Facility Permits, which includes the UST operating permit, to facilities with USTs that are not in compliance.</p> <p>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)</p>	<p>Annual monitoring certification tests Def J: The CUPA is not [consistently] requiring UST facilities to submit UST testing and leak detection documents.</p> <p>HSC, Chapter 6.7, Section 25288(b) CCR, Title 23, Section 2637(e) CCR, Title 23, Section 2638(d) CCR, Title 23, Section 2643(g) CCR, Title 23, Section 2644.1(a)(5)</p> <p>Def N: The CUPA is not [consistently] requiring UST facilities with testing or leak detection failures to return to compliance.</p> <p>HSC, Chapter 6.7, Section 25288(d)</p>
<p>Permit Contents CalEPA deficiency; Deficiency Library F: The CUPA's Unified Program facility permit (consolidated permit) does not contain the following required components:</p> <p>CCR, Title 27, Section 15190(h)</p> <p>Required consolidated permit content includes:</p> <ul style="list-style-type: none"> <li>• Monitoring requirements</li> <li>• Permit conditions for the UST system</li> <li>• Permit expiration date</li> <li>• Underground storage tank Identification</li> <li>• CERS ID for facility</li> <li>• BOE number</li> </ul>	<p>Secondary containment tests Deficiency Library J: The CUPA is not [consistently] requiring UST facilities to submit UST testing and leak detection documents.</p> <p>HSC, Chapter 6.7, Section 25288(b) CCR, Title 23, Section 2637(e) CCR, Title 23, Section 2638(d) CCR, Title 23, Section 2643(g) CCR, Title 23, Section 2644.1(a)(5)</p> <p>Deficiency Library N: The CUPA is not [consistently] requiring UST facilities with testing or leak detection failures to return to compliance.</p> <p>HSC, Chapter 6.7, Section 25288(d)</p> <hr/> <p>Spill Bucket Testing Deficiency Library J: The CUPA is not [consistently] requiring UST facilities to submit UST testing and leak detection documents.</p> <p>HSC, Chapter 6.7, Section 25288(b) CCR, Title 23, Section 2637(e) CCR, Title 23, Section 2638(d) CCR, Title 23, Section 2643(g) CCR, Title 23, Section 2644.1(a)(5)</p> <p>Deficiency Library N: The CUPA is not [consistently] requiring UST facilities with testing or leak detection failures to return to compliance.</p> <p>HSC, Chapter 6.7, Section 25288(d)</p>

Oversight Inspection	
<p><b>CERS Review &amp; Preparation</b></p> <p>Number of necessary oversights Used as supporting information.</p>	<p><b>Oversight</b></p> <p>Complete inspection Deficiency Library I: The CUPA is not [consistently] conducting complete annual UST compliance inspections.</p> <p>HSC, Chapter 6.7, Section 25288(a)</p> <p>Refer also to LG-159 Enclosure, Annual Underground Storage Tank Compliance Inspection Handbook</p>
<p>Coordinate with CUPA</p>	<p>Competency</p> <p>CCR, Title 23, Section 2715</p> <p>Used as supporting information.</p>
<p>Review facility in CERS Used as supporting information.</p>	<p>In accordance with statute/regulations</p> <p>HSC, Chapter 6.7, Section 25288(a)</p> <p>Used as supporting information.</p>