Office of the State Fire Marshal  
Unified Program Agency Evaluation Checklist

Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS)  
and Aboveground Petroleum Storage Act (APSA) Programs

Unified Program Agency (UPA) Name:        
Evaluation Dates:       Evaluator Name:

Important Dates

Notify California Environmental Protection Agency (CalEPA) team lead of any missing or incomplete records in SharePoint:       
Preliminary Summary of Findings due to CalEPA:

Preliminary Activities

Review previous evaluation   
Does the UPA have any unresolved or uncorrected deficiencies or incidental findings from previous evaluation(s)? Yes  No   
 If yes, list:

Does the Certified Unified Program Agency (CUPA) have any Participating Agency (PA)?   
 Yes  No   
Name of PA(s) implementing APSA, if applicable:

(Contact the CalEPA team lead if unknown)

Generate and Evaluate the Following CERS Reports

(Include date of download in title or file name for each CERS downloaded report)

Notification Date:

Reporting Quarters: January-March (Due April 30)  April-June (Due July 31)

July-September (Due October 31) October-December (Due January 31)

APSA Facility List report (Facilities Tab) CUPA  PA   
APSA compliance monitoring and enforcement (CME) report (Reports Tab) CUPA  PA   
APSA Facility Information report (Reports Tab) CUPA  PA

Review facility files requested for completeness when CalEPA sends notification.  
 Notify CalEPA team lead of any missing records in SharePoint by due date.

General Information

Total # of APSA tank facilities based on…

* CERS:       CUPA:       PA (if applicable):

Total # of APSA tank facilities with 10,000 gallons or more of petroleum, if known (excluding conditionally exempt tank facilities per Health and Safety Code (HSC), Section 25270.4.5(a))

* CUPA:       PA (if applicable):

Inspection Staff

* Total # of UPA staff inspecting tank facilities for compliance with Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements of APSA:

CUPA:       PA (if applicable):

* Are all inspectors APSA trained and certified? Yes  No
* If an inspector has not completed and passed their APSA inspector training, obtain a list of all routine SPCC Plan compliance inspections the untrained staff conducted.
* Inform UPA that any SPCC Plan compliance inspections of APSA tank facilities by untrained staff are not valid. UPA must re-inspect such tank facilities by trained staff.

Notes, Comments, and Observations:

***Mark as a Deficiency or Incidental Finding*:**  
UPA inspectors have not completed and passed their APSA training prior to inspecting tank facilities for SPCC Plan compliance under APSA *(HSC Section 25270.5(c))*: Yes  No

Tank Facility Statements (TFS)

Are there any APSA tank facilities required to submit TFS instead of Hazardous Materials Business Plan (HMBP) to CERS? Yes  No   
 If yes, specify details (including how many, whether federal or residential facilities):

*Complete HMBP Submittal in lieu of TFS (Qualitative Review)*

Review recently accepted HMBP submittal for each tank facility listed on Facility Files Request List

Are all HMBP submittals in lieu of TFS complete with all applicable elements? Yes  No

* Any missing components? Yes  No

Commonly overlooked components are: site map – evacuation staging area, hazmat handling/storage areas, emergency shutoffs, and/or emergency response equipment; emergency response plan – local medical assistance and/or areas/systems requiring immediate inspection/isolation due to earthquake vulnerability. Identify CERS ID numbers with missing components in the notes/comments/observations below.

* If missing components are observed, is there a pattern? Yes  No

If there is a pattern, then potentially a deficiency or incidental finding.

*Annual HMBP Submittal in lieu of TFS (Quantitative Review)*

Review last 13 months of HMBP submittals (in lieu of TFS) using CERS APSA Facility List report

Submittal rate (including %) for HBMP inventory and site maps:   
         
 If applicable, # of tank facilities that have never submitted an inventory and site map:   
        
Submittal rate (including %) for HMBP emergency response and training plans:   
         
 If applicable, # of tank facilities that have never submitted emergency response/training plans:

Notes, Comments, and Observations:

***Mark as a Deficiency or Incidental Finding*:**Annual TFS/HMBP submittals are below OSFM (%) threshold *(HSC Section 25270.6(a))*:   
 Yes  No   
Incomplete TFS/HMBP submittals *(HSC Section 25270.6(a); 2022 California Fire Code (CFC), Sections 5001.5.1 and 5001.5.2)*: Yes  No

Self-Audits

Is there information on APSA, in terms of inspection and enforcement? If no, move on to next section. Yes  No   
Is the APSA information consistent with the information in CERS? Yes  No   
Are APSA issues and deficiencies identified? Yes  No  NA   
 If yes, are there plans or measures to correct/address the issues and deficiencies?

Yes  No

‘All’ Unified Program elements implemented and listed, but the fire code HMMP/HMIS program is not listed as one of the six program elements Yes  No

Notes, Comments, and Observations:     

(Note: No inspection requirement for fire code HMMP/HMIS.)

***Mark as an Observation*:**Inconsistent information between the self-audit and CERS: Yes  No   
APSA program is not discussed, but other program elements are specifically discussed in the self-audit: Yes  No   
‘All’ Unified Program elements implemented and listed, but the fire code HMMP/HMIS program is not listed as one of the six program elements Yes  No

Inspection and Enforcement Program (I&E) Plan

*APSA Program*  
Is there any information provided related to APSA? Yes  No   
 If ‘no’, move on to the *Other Components* section below.  
Are the citations accurate? Yes  No   
APSA program included in inspection section? Yes  No   
APSA program included in matrix of enforcement options and/or program specific enforcement section? Yes  No   
APSA mandated inspection frequency identified? Yes  No   
CUPA’s APSA inspection frequency identified? Yes  No

CUPA’s alternative APSA inspection frequency if not only meeting minimum mandated inspections

* Facilities with 10K gallons or more of petroleum (excluding conditionally exempt tank facilities) inspected more frequently than minimum mandate of once every 3 years? Yes  No 
  + If yes, what is the frequency?
* Facilities with less than 10K gallons (excluding conditionally exempt tank facilities) inspected? Yes  No 
  + If yes, what is the frequency?
* Facilities with TIUGAs and less than 1,320 gallons inspected? Yes  No
* If yes, what is the frequency?
* If applicable, what is the PA frequency if different from CUPA?

Are compliance timeframes (return to compliance (RTC)) discussed? Yes  No

If yes, is APSA program included in the compliance timeframes section? Yes  No

Notes, Comments, and Observations:

(Note: No inspection requirement for fire code HMMP/HMIS.)

*Other I&E Plan Components*  
Are ‘all’ Unified Program elements identified/referenced? Yes  No   
 If yes, does the list include the fire code HMMP/HMIS program? Yes  No   
Is there any information provided related to the fire code? Yes  No   
(Uniform Fire Code (UFC) is outdated and should be replaced with CFC.)  
 If applicable, what is the edition (year) of the fire code?

Notes, Comments, and Observations:

(The observations may be consolidated with other state agencies’ I&E Plan observations.)

***Mark as an Observation:***Incorrect APSA citations Yes  No   
Outdated/incorrect APSA information Yes  No   
APSA program information is missing, but other program elements are specifically described in the inspection/enforcement section of the I&E Plan Yes  No   
Outdated/incorrect fire code information Yes  No   
CUPA states in their I&E Plan they can enforce the fire code, but they have no fire authority

Yes  No

APSA program RTC discussion not included, but RTC timeframe for other program elements are included in the I&E Plan Yes  No   
CUPA states they implement ‘all’ Unified Program elements but does not include the fire code HMMP/HMIS program in the I&E Plan Yes  No

***Mark as a Deficiency or Incidental Finding*:**APSA inspection frequency is below OSFM (%) threshold for tank facilities with 10,000 gallons or more of petroleum (excluding conditionally exempt tank facilities) *(HSC Section 25270.5(a))*?   
 Yes  No   
APSA inspection frequency per the I&E Plan is below OSFM (%) threshold for other tank facilities *(HSC Section 25270.5(b))*? (Incidental finding if mandated inspections are met) Yes  No

APSA Inspection Checklist/Form

Utilizes CUPA Forum Board checklists  Utilizes own checklist/form Checklist/form version (year):        
Is the checklist comprehensive? Yes  No   
Does the UPA use multiple checklists/forms for different tank facility types? Yes  No    
Accurate citations for APSA violations observed at tank facilities? HSC should be cited first, then ***may*** reference Code of Federal Regulations (CFR), Title 40, Part 112. Yes  No    
 (UPAs do not have the authority to enforce the Federal SPCC rule.)

Notes, Comments, and Observations:

***Mark as an Observation:***UPA uses a short/very limited checklist Yes  No   
Outdated violations listed on their current checklist/form Yes  No   
UPA has multiple checklists and did not use appropriate checklist for an inspection? Yes  No   
UPA does not cite HSC for APSA violation on their inspection checklist(s)/form(s)? Yes  No

Area Plan

Is there information on APSA, fire code, or OSFM/CA SFM? If no, move on to next section. Yes  No

Are ‘all’ Unified Program elements identified/referenced, but missing the fire code HMMP/HMIS? Yes  No

Are fire code citations/references current/correct? Yes  No   
(UFC is outdated and should not be referenced; replace UFC with CFC. Also, edition of the fire code should be current if mentioned or removed in future revision.)

Is the CA State Fire Marshal information correct?

* Example: OSFM oversees ***intrastate*** hazardous liquid pipelines; OSFM no longer oversees interstate pipelines. Interstate pipelines are now under the authority of US DOT PHMSA.

Yes  No

APSA program information is correct/current? Yes  No

Notes, Comments, and Observations:

***Mark as an Observation:***Outdated/incorrect fire code citation/reference Yes  No   
Outdated/incorrect CA State Fire Marshal information Yes  No   
Outdated/incorrect APSA program information Yes  No

Website

*APSA Program*  
Is there any information on APSA? If no, move on to next section. Yes  No   
Are the guidance documents, fact sheets, etc. correct and current? Yes  No  NA   
Are the links related to APSA and SPCC valid and appropriate? Yes  No  NA   
Are links to Tier I and Tier II qualified facility SPCC Plan templates current? Yes  No  NA   
Does UPA have the old APSA FAQ (pre-2021) online? Yes  No    
 (Note: Ask UPA to remove outdated FAQ and replace with current FAQ.)

*HMMP & HMIS Program*   
(Note: The HMMP/HMIS Program is consolidated with the HMBP Program to streamline the regulatory requirements for regulated facilities.)  
Is there any information on HMBP? If no, move on to next section. Yes  No   
Is the HMBP information correct and current, including templates for HMBP components?  
 Yes  No   
Are the links related to HMBP valid and appropriate? Yes  No    
If applicable, are site map and emergency response/training plans instructions and templates current and correct? Yes  No

Notes, Comments, and Observations:

***Mark as an Observation***Outdated or incorrect APSA program information, including any guidance documents, fact sheets, etc. Yes  No   
Outdated templates (if applicable) Yes  No    
APSA and/or SPCC links valid? Yes  No    
Outdated or incorrect HMMP/HMIS program information, including templates? Yes  No    
If applicable, HMMP/HMIS program links valid? Yes  No

APSA Tank Facility Records Review – CME, Violation Classification/Citation, and RTC

*CME Data Quality*Are there discrepancies in CME information in facility files (inspection reports, RTC documentation, etc.) provided by the UPA compared to CME information in CERS? Yes  No

If yes, describe in detail, including CERS ID:

*Violation Classification*Based on review of facility files provided by the UPA and CERS CME report, is there any “No SPCC Plan” or “Failure to Prepare SPCC Plan” violation (4010001) classified as minor? Yes  No

* If yes to above question, follow-up with UPA if they could change the default setting in their local data management system for violation 4010001 from minor to at least Class 2 violation.

List all CERS IDs with no SPCC Plan violation classified as minor:

*Incorrect Violations*

Other violations (such as 4010 or 4010008) being used for ‘no SPCC Plan’ violations? Yes  No    
 If yes, describe in detail, including CERS ID:

Any 4010001 violations being incorrectly cited for other SPCC Plan related violations (such as 4010008)? Yes  No    
 If yes, describe in detail, including CERS ID:

If there are other instances of UPA citing incorrect violations, describe in detail, including CERS ID:

*RTC*

Review CERS APSA CME report. Determine ‘NO’ RTC rate – enter the number of violations without documented RTC and the total number of violations for each of the last applicable reporting cycles, including number of tank facilities cited for “No SPCC Plan” violations without documented RTC.

* Dates (generally a 12 mo. period)      -

     /      (     %), including       tank facilities cited for “No SPCC Plan”

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* Dates (generally a 12 mo. period)      -

     /      (     %), including       tank facilities cited for “No SPCC Plan”

***Mark as a Deficiency or Incidental Finding***Not consistently or correctly reporting APSA CME information to CERS *(HSC Section 25404(e)(4); Cal. Code of Regulations (CCR), Title 27, Sections 15187(c) and 15290(a)(3) and (b))*? Yes  No   
Not consistently following up and documenting RTC information (APSA RTC rate is below OSFM (%) threshold) *(HSC Sections 25404.1.2(c), 25270.2(c)(3), and/or 25270.4.5(a); 27 CCR Sections 15185(a) and (c) and 15200(a) and (e))* ? Yes  No

Not consistently ensuring each tank facility prepares an SPCC Plan (excluding conditionally exempt tank facilities)? (No RTC for ‘No SPCC Plan’ violations only) *(HSC Section 25270.4.5(a))*   
 Yes  No   
“No SPCC Plan” violation classified as minor? (Incidental finding only) *(HSC Sections 25404.2(a)(3)-(4), 25270.4.1(c), 25270.4.5(a), and 25404(a)(3); 27 CCR Section 15200(a))* Yes  No

Outstanding Implementation, Achievements, and Challenges:

Additional Notes: