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

* 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: