



Public Health Department

Environmental Health

202 Mira Loma Drive
Oroville, California 95965

Cathy A. Raevsky, Director

Mark A. Lundberg, M.D., M.P.H., Health Officer

T: 530.538.7281
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buttecounty.net/publichealth

HAZMAT ADVISORY GROUP

AGENDA

NOVEMBER 2, 2016 ❖ 10:00 A.M.-NOON

TAHOE ROOM ❖ 202 MIRA LOMA DRIVE, OROVILLE

I. Preliminary Items

- A. Call to Order
- B. Roll Call and Determination of Quorum
- C. Introduction of Guests
- D. Review:
 - 1. Meeting Notes from May 20, 2016
 - 2. Minutes from October 16, 2016
- E. Agenda Review
- F. Public Comments and Input

II. Informational Non-Action Items

- A. Self-Audit Results
- B. State Audit Information Request (Attachment "A")
- C. Fee Study Update
- D. Agriculture inspection program update

III. Action Items

IV. Agenda Preparation for Next Meeting

V. Adjourn



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HAZMAT ADVISORY GROUP

MINUTES

MAY 20, 2016

TAHOE ROOM ** 202 MIRA LOMA DRIVE, OROVILLE

I. Preliminary Items

A. Call to Order

Bud called the meeting to order at 10:10 a.m.

B. Roll Call and Determination of Quorum

Josh Hubbard, Bud Caldwell, and Kenny Wahl were present.

A quorum was **not** established.

C. Introduction of guests

Sherry Morgado (Public Health Department Assistant Director Managing Environmental Health) and Colleen Cecil (Butte County Farm Bureau) attended as a guest. Mike Huerta, Marina Winslow and Brad Banner attended on behalf of the CUPA.

Colleen agreed to replace Curt Josiassen as a member of the Advisory Group representing Agriculture.

D. Review of minutes

There were no objections to the minutes, but a motion to accept them could not be made due to lack of a quorum.

E. Agenda review

No changes to the agenda were requested.

F. Public comments and input

There was no public comment.

II. Informational Non-Action Items

A. Electronic Inspection Reporting

Mike reported on the use of the California Environmental Reporting System (CERS) by businesses and the CUPA. He also shared that CUPA inspections and reports are now completed at the time of inspection using computer tablets for greater efficiency.



B. Report of Facilities Past Due for Inspection

Brad shared with the group the CUPA's enhanced reporting ability that identifies any of Environmental Health's inventoried facilities that are past due for inspection and the staff responsible for the inspections.

C. Fee Study

1. Brad explained that the county has contracted with a consultant to perform the first comprehensive countywide fee study since 2008. In 2008, Environmental Health fees presented to the Board of Supervisors represented 80% cost recovery. The new fee study will present the Board with fees that reflect 100% cost recovery.
2. Mike shared with the group the CUPA related fee categories in the current fee schedule and compared it with modified fee schedule developed by the Humboldt County CUPA. One of the primary differences between the two is that the Humboldt fee schedule does not use volume of hazardous materials as an element in determining fees. Use of the Humboldt model would therefore shift some of the fee burden from large hazmat facilities to smaller ones.
3. Ken brought up the concern that it could be very difficult to determine the number of hazardous wastes generated by CSU Chico unless that wastes are clearly defined.
4. Colleen suggested that the consultant take into consideration the \$15 minimum wage and its impact on determining hourly rates.
5. Brad said that he would check on how identification of hazardous wastes is handled in Humboldt County and would share the minimum wage concern with the fee consultant.

D. Agricultural Inspection Program Progress Report

1. Mike and Brad shared the status of the program. The survey that went out at the end of 2015 was not successful because the addresses used did not get the survey distributed as needed. A second survey was conducted in January and February of 2016 where large farms were identified on Google Earth and the Assessor Parcel Numbers were used to identify the correct mailing addresses.
2. Mike reported that so far 11 large farm surveys have been performed, generating about 25 business plans.
3. Mike shared a concern that has arisen concerning farm operations that have multiple non-contiguous parcels with where hazardous materials are stored so that one farm might have to maintain multiple business plans. He reported that he is currently looking into the possibility of establishing a remote site exemption process.
4. Colleen shared that word of the regulatory program has spread among the agricultural community that some members of the community were upset about the thoroughness and time involved in the initial inspection by the CUPA. She



explained that farmers are hammered on all sides by governmental regulations and that the adverse reaction to the CUPA's program is in part a response to the cumulative impact and cost of all the governmental regulations that are impacting farmers. She stated the problem is especially acute for mid to small farms that are not large enough to have staff dedicated to addressing regulatory compliance.

5. Brad agreed to follow up on Colleen's recommendation that he contact Glenn, Sutter, Yuba, Tehama, Stanislaus, and Merced Counties to see how they deal with the issue of farms with multiple non-contiguous sites where hazardous materials are stored. Brad also told the group that he would work with Mike to try to put together a package of agricultural exemptions to present to First Responders and to the Board of Supervisors in their second meeting in June.

III. Agenda Preparation for Next Meeting

The next meeting will be scheduled when it is determined that there are new items that require the advisory group's input.

IV. Adjourn

The meeting adjourned at 11:40 a.m.

A handwritten signature in blue ink, appearing to read "Brad Banner", written over a horizontal line.

Submitted by Brad Banner



Public Health Department

Cathy A. Raevsky, Director
 Mark A. Lundberg, M.D., M.P.H., Health Officer

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**Hazmat Advisory Group
 Sign-In Sheet**

Date: May 20, 2016

Location: Tahoe Rm, 202 Mira Loma Dr., Oroville

Working Group Member		Initials
Reliance Propane Scott Steele		
CSU Chico (Primary) Kenny Wahl		KW
PNP Chico #82 (Alternate) Charina Gaspay		
Lundberg Family Farm Keven Lemos		
Chico Metal Finishing Jim Murray		
ARCO AM/PM #82605 Josh Hubbard		JH
Northgate Petroleum Bud Caldwell		BC
Butte County Rice Growers Association Susan Ricketts		
Josiassen Farms, Inc Curt Josiassen		
Cal Fire/Butte Fire Russ Fowler		
NRC Malcolm Maxwell		
Butte Environmental Council Robyn DiFalco		
Guest Name	Business Name	Email Address
Colleen Cecil	Butte Co Farm Bureau	colleen@buttefarmbureau.com
Sherry Morgado	BCPHD	smorgado@buttecounty.net
Michael Huntz	BCPHD	mhuntz@buttecounty.net
Marina Winslow	BCPHD	mwinslow@buttecounty.net



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HAZMAT ADVISORY GROUP

MINUTES

OCTOBER 16, 2015

TAHOE ROOM ** 202 MIRA LOMA DRIVE, OROVILLE

I. Preliminary Items

A. Call to Order

[Bud called the meeting to order at 10:07 a.m.](#)

B. Roll Call and Determination of Quorum

Scott Steele, Josh Hubbard, Bud Caldwell, Russ Fowler, Kenny Wahl (new member replacing Charina Gaspay to represent Large Quantity Generators), and Malcolm were present., Susan Ricketts, Curt Josiassen, Keven Lemos, Jim Murray, and Robyn DiFalco were absent.

[A quorum was established.](#)

C. Introduction of guests

Matt Tennis attended as a guest. Mike Huerta, Danelle Leen, and Brad Banner attended on behalf of Environmental Health.

D. Review of minutes

[Malcolm made a motion to accept the minutes as written. Bud seconded the motion and the motion passed unanimously.](#)

E. Agenda review

[No changes to the agenda were requested.](#)

F. Public comments and input

[There was no public comment.](#)

II. Action Items

A. Draft Plan for CUPA Regulation of Agricultural Handlers

1. The discussion began with the question concerning what is meant by “federally regulated” facilities. Mike explained that the term is used to designate facilities that qualify to be regulated by the federal Emergency Planning and Community Right to Know Act (EPCRA).



2. Colleen pointed out that, based on the EPCRA criteria of 10,000 pounds or 1,300 gallons of hazard materials (fuels) stored for greater than 30 days by farmers, the federal regulation would apply to many more farmers than the 150-200 estimated in the proposed workplan.
3. Much of the meeting discussion focused on “*why now?*” is the CUPA proposing enforcement of hazmat regulations for Ag Handlers, “*how*” is the CUPA planning to get the word out about the regulation and its impact on them, “*what*” information will be most useful to the Ag community, and “*when*” are the important upcoming meetings being planned?
4. Colleen invited the CUPA to the next Farm Bureau Board meeting on November 5 at 7:00 p.m. to discuss implementation of the workplan. The committee suggested that the CUPA be prepared to answer the following questions that will be raised by the farmers:
 - a. What are we being required to do?
 - b. Why do I need to do this?
 - c. If I don’t do this, what will happen?
 - d. Who will have access to information about where I store my hazardous material?
5. Brad stated that the Butte County CUPA’s current initiative is consistent with the direction being taken by other CUPAs in the Northern California region. Brad pointed out that CUPAs are regularly audited by CalEPA and are expected to enforce state and federal regulations as a requirement for certification, giving the recent state audit of Sacramento Environmental Management as an example.
6. The CUPA is preparing a draft survey intended to help Ag Handlers assess how hazmat regulations will affect their facilities and help the CUPA assess the number of facilities that will fall under the regulation.
7. The discussion veered off point somewhat from the topic of enforcement of Ag Handlers to the needs of First Responders for information from CERS. Russ pointed out that CERS information was helpful for his hazmat planners, but only to the extent that the information in CERS helped update the Preplanning documents that First Responders use when going out to an incident. Russ pointed out that an informed facility manager is what First Responders rely most upon. Mike pointed out that the CUPA would provide training on how to use a quick pull down window off of CERS that provides First Responders and/or their dispatch with the most current information about the type and quantity of hazardous materials present.



Hazmat Advisory Group - Minutes

Meeting Date: October 16, 2015

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8. Russ and others expressed frustration that the threshold amounts of materials regulated under state and federal law by the CUPAs are too low to be practical. The group discussed the possibility, down the road a ways, of inviting a legislator, such as Doug LaMalfa, to attend a meeting to discuss their concerns about the unacceptably low regulatory thresholds.
9. Significant discussion took place about the issue of confidentiality. Steve questioned whether the risk of disclosure of locations of hazardous materials outweighed the benefit to First Responders, especially since the First Responders do not use the information when they respond.
10. Colleen requested that the confidentiality issue be studied and discussed by the CUPA at the upcoming Farm Bureau Board meeting.

III. Agenda Preparation for Next Meeting

The next meeting is planned for the third Friday of November (November 20) at 10:00 a.m. in the Tahoe Room at 202 Mira Loma Drive in Oroville.

IV. Adjourn

The meeting adjourned at 12:15 p.m.

A handwritten signature in blue ink, appearing to read "Brad Banner".

Submitted by Brad Banner



Hazmat Advisory Group Sign-In Sheet

Date: October 16, 2015

Location: Tahoe Rm, 202 Mira Loma Dr., Oroville

Working Group Member		Initials
Reliance Propane Scott Steele		<i>SS</i>
CSU Chico (Primary) Kenny Wahl		<i>KW</i>
PNP Chico #82 (Alternate) Charina Gaspay		
Lundberg Family Farm Keven Lemos		
Chico Metal Finishing Jim Murray		
ARCO AM/PM #82605 Josh Hubbard		<i>JH</i>
Northgate Petroleum Bud Caldwell		<i>BC</i>
Butte County Rice Growers Association Susan Ricketts		
Josiasen Farms, Inc Curt Josiasen		
Cal Fire/Butte Fire Russ Fowler		<i>RF</i>
NRC Malcolm Maxwell		<i>M.M.</i>
Butte Environmental Council Robyn DiFalco		
Guest Name	Business Name	Email Address
Brad Banner		
Danelle Leon		
Mike Hertz		
Colleen Cecil	Butte Co. Farm Bureau	
Matt Tennis	Farmer	

Attachment "A"



Edmund G. Brown Jr.
Governor
Matthew Rodriguez
Secretary for Environmental Protection

Certified Mail: 7015 1730 0001 0036 8862

October 19, 2016

Mr. Doug Danz
CUPA Manager
Butte County Environmental Health
202 Mira Loma Drive
Oroville, California 95965-3500

Dear Mr. Danz:

The Butte County Environmental Health Certified Unified Program Agency (CUPA) has been selected for an evaluation in **2017**. The evaluation process has changed since the last evaluation took place.

To facilitate this new process, you will be required to submit the following documents to California Environmental Protection Agency (CalEPA) by December 19, 2016.

- Inspection and Enforcement Plan
- Facility Files (Enclosure)
- Self Audit Reports for Fiscal Year (FY) 2014-2015 and 2015-2016
- California Accidental Release Prevention (CalARP) Performance Audit for FY 2012-2013 through 2015-2016
- CalARP dispute resolution procedure
- CUPA Administrative procedures
 - public participation,
 - records maintenance,
 - information request response,
 - business plan information forwarding,
 - permitting,
 - financial management (includes the single fee system, fee accountability program, and surcharge collection and reimbursement program),
 - fee dispute resolution,
 - data management.

Air Resources Board • Department of Pesticide Regulation • Department of Resources Recycling and Recovery • Department of Toxic Substances Control
Office of Environmental Health Hazard Assessment • State Water Resources Control Board • Regional Water Quality Control Boards

1001 I Street, Sacramento, CA 95814 • P.O. Box 2815, Sacramento, CA 95812 • (916) 323-2514 • www.calepa.ca.gov

Mr. Doug Danz
Page 2

- Fee accountability program documents including record/budget spreadsheet for FY 2014-2015 and 2015-2016 (documentation should show CUPA specific revenue and itemized direct and indirect costs)
- Surcharge Transmittal Reports (Report 1) from FY 2013-2014 through the first quarter of FY 2016-2017.
- Single fee invoices FY 2013-2014 through the first quarter of FY 2016-2017 (Please ensure that at least one invoice is provided for each of the following facility types per fiscal year: CalARP, Underground Storage Tank, Aboveground Petroleum Storage Act (APSA), Hazardous Materials Business Plan, Hazardous Waste Generator)
- Area Plan
- Staff training records for each CUPA staff
 - Health and Safety Training Certification with current refresher
 - International Code Council Certifications
 - APSA Inspector Training Certificates
 - Ongoing training Documentation (past 3 years)
- 2-3 recently closed formal enforcement case files (within the last 2 years)
- List of all APSA facilities that have a petroleum storage capacity of 10,000 gallons or greater
- CUPA Organization Chart

Several methods, including a Secure File Transfer Protocol (SFTP) site are available to convey information listed above to CalEPA. The CalEPA Team Lead will follow up with you, and provide information on how to access the SFTP site. If for any reason the SFTP site is not compatible with a CUPA's system, evaluation documentation may also be submitted via email samuel.ferris@calepa.ca.gov or mail using electronic storage media (thumb drives or DVDs) to:

CalEPA Unified Program
Attention: Samuel Ferris
P.O. Box 2815
Sacramento, California 95812-2815

As necessary, the Department of Toxic Substances Control (DTSC), California Governor's Office of Emergency Services (Cal OES), CALFIRE - Office of the State Fire Marshal (OSFM), and State Water Resources Control Board (State Water Board) evaluators may contact you to schedule oversight inspections.

Mr. Doug Danz
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Please remember to provide the documents listed above and in the enclosure by December 19, 2016. Should you have any questions regarding the evaluation process, please contact Loretta Sylve, Unified Program Supervisor, at (916) 327-5097 or email loretta.sylve@calepa.ca.gov.

Sincerely,

Original Signed by Loretta Sylve for John Paine

John Paine
Unified Program Manager

Enclosure

cc's sent via email

Mr. Brad Banner, Director
Butte County Environmental Health
202 Mira Loma Drive
Oroville, California 95965-3500

Ms. Laura Fisher, Chief
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Ms. Diana Peebler
Senior Environmental Scientist, Supervisor
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Greg Andersen, Chief
CAL FIRE - Office of the State Fire Marshal
P.O. Box 944248
Sacramento, California 94244-2460

Mr. Thomas E. Campbell, Chief
California Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655-4203

**Facility File Request
Butte County Division of Environmental Health CUPA**

Please submit documentation for each facility file listed below that includes the following:

- Last two routine inspection reports with summaries of violations/notices to comply/notices of violation
- Correspondences related to returning the facility to compliance
- Return to compliance documentation
- Current Unified Program Facility Permit
- For Tiered Permit facilities, please submit the applicable Tiered Permit notifications
- For the Underground Storage Tank facilities, please submit the following additional information:
 - Last three (3) Annual Inspection Reports
 - Last three (3) Monitoring Certification Reports
 - Last three (3) Spill Bucket Tests
 - Last two (2) Secondary Containment Test Reports
 - Tank Lining Certifications (as appropriate)
 - Last three (3) Tank and Piping integrity tests (as appropriate)
 - Enhanced Leak Detection test results (as appropriate)
- For CalARP Facilities, please submit the following additional information:
 - CalARP Program Level
 - Current Risk Management Plan (RMP) Date
 - Statement of whether an RMP audit was conducted

Cal OES Requested Facilities

- CERS ID, Facility Name
- 10146757, PG&E, Chico "C" substation
- 10169559, Helena Chemical Co.
- 10276801, Spray chem Chemical Co.
- 10276288, City of Oroville Airport
- 10276609, RCBS
- 10174569, Sierra Nevada Brewing
- 10449172, Lab Corp, Chico
- 10278898, Chico Mobile Air
- 10686157, Sligar Farms, Inc.
- 10684585, Nichols Ranch Partnership

List of CalARP facilities

- CERS ID, Facility Name
- 10276561, Paradise Irrigation District
- 10276792, Butte Rice Growers Association
- 10276810, Big Valley Ag Services
- 10276894, The Danielson Company

OSFM Requested Facilities

- CERS ID, Facility Name
- 10000957, Caltrans-Chico
- 10174569, Sierra Nevada Brewing Co.
- 10208888, Warner Petroleum Chico
- 10276582, Butte County Public Works
- 10276750, Avag Inc.
- 10277461, Bidwell Canyon Marina
- 10277488, R&R Horn Inc.
- 10277731, California Olive Ranch
- 10446019, Northgate Aviation North Jet Farm
- 10686157, Sligar Farms, Inc.

DTSC Requested Facilities

- CERS ID, Facility Name
- 10174429, California State University, Chico
- 10276528, SFPP, L.P. - Chico Terminal
- 10276564, Chico Metal Finishing, Inc.
- 10276609, Federal Cartridge Company - RCBS Operations
- 10277161, Graphic Packagin International, Inc.
- 10277020, Mission Linen & Uniform Service
- 10277773, Pathology Sciences Medical Group
- 10277086, Oroville Self Serve Auto Dismantling
- 10276588, Chuck Patterson Toyota
- 10277125, Ben Toilet Rentals, Inc.
- 10277101, Durham-Pentz Truck Center
- 10277584, Affordable Automotive
- 10276768, Pep Boys #980
- 10276741, Butte Creek County Club
- 10277914, Cascade Orthopedics
- 10276498, Durham Unified School District
- 10174569, Sierra Nevada Brewing Co.
- 10276876, Chico Scrap Metal
- 10489573, Butte Water District
- 10480108, Safer Arms Indoor Range & Outdoor Gear
- 10276273, California Highway Patrol
- 10276522, Doctor of Motors

Facilities not in CERS:

- HotCoats Powder Coating Specialist, 13308 Cabin Hollow Ct #100, Chico, CA 95973

Please also provide complaint records for the following DTSC referred complaints:

- CASE #: 14-1014-0506
- CASE #: 15-1115-0591
- CASE #: 16-0416-0207

State Water Board Requested Facilities

- CERS ID, Facility Name
- 10276168, Parker's Corner
- 10276204, Esplanade AM/PM
- 10276462, Ohri Brothers, Inc.
- 10276513, Silver Dollar Fair/3RD DIST. AG ASSOC.
- 10276117, Village Market
- 10166033, 7-Eleven, Inc. #32401
- 10276150, All Stop Market
- 10276429, Hill's Country Store
- 10276207, Mac's Market
- 10276300, Frank's Beacon
- 10413604, Safeway Fuel Center #1651-8
- 10169753, Colonial Energy CE 20115 (Formerly Tower Mart #157)
- 10276345, Wild Goose Storage, LLC.
- 10276162, Magalia Valero
- 10175745, Fastrip # 9905