



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: AUGUST 2, 2022**
FROM: FIRE DEPARTMENT **WARD: ALL**
**SUBJECT: CERTIFIED UNIFIED PROGRAM AGREEMENT WITH RIVERSIDE COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH - HAZARDOUS MATERIALS
DIVISION FOR THE TERM JULY 1, 2022 THROUGH JUNE 30, 2027**

ISSUE:

Approve the Certified Unified Program Agreement with the County of Riverside Department of Environmental Health - Hazardous Materials Division, for the term of July 1, 2022 through June 30, 2027.

RECOMMENDATION:

That the City Council:

1. Approve the Certified Unified Program Agreement establishing the responsibilities of each party in the Certified Unified Program Agency with the County of Riverside, Environmental Health Department, Hazardous Materials Division; and
2. Authorize the City Manager, or designee, to execute all documents necessary to complete the financing, including making minor and non-substantive changes.

BACKGROUND:

Due to an increase in Hazardous Materials incidents over the past several years, regulatory programs and legislature have been implemented that impacted the business communities. In an effort to streamline this process, hazmat regulations were consolidated under one program called the Certified Unified Program Agencies (CUPA). The program consolidates the administration, permit, inspection, and enforcement activities of the following environmental and emergency management programs: Aboveground Petroleum Storage Act (APSA) Program; Area Plans for Hazardous Materials Emergencies, California Accidental Release Prevention (CalARP) Program, Hazardous Materials Release Response Plans and Inventories (Business Plans), Hazardous Material Management Plan (HMMP) and Hazardous Material Inventory Statements (HMIS) (California Fire Code), Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs and Underground Storage Tank Programs. The Riverside County Department of Environmental Health (RCDEH) Hazardous Materials Branch is responsible for overseeing the six hazardous materials programs in the County of Riverside.

CUPA initially gave local jurisdictions an option to become either an Administering Agency or a Participating Agency. The City of Riverside Fire Department (RFD) has been a participating agency since 1998. As a participating agency, the RFD Fire Prevention Bureau is required to develop and implement a program for administering, permitting, inspecting and enforcement of the storage of hazardous materials. Aspects of the program include:

1. Required inspections on a tri-annual basis which is once every three years; and
2. A reconciliation of costs to administer the program.

As a result, the County of Riverside Department of Public Health implements a single fee billing system which incorporates fees and surcharges necessary to cover the costs incurred by the City to implement the program outlined in the attached Certified Unified Program Agreement.

DISCUSSION:

The California Health and Safety Code, Chapter 6.95 dictates the necessity of the implementation of business and area plans related to the handling and release of hazardous materials. In addition, Section 25513 of this chapter, states that “each administering county or city may, upon a majority vote of the governing body, adopt a schedule of fees to be collected from each business required to submit a business plan pursuant to this article that is within its jurisdiction. The governing body may provide for the waiver of fees when a business, as defined in paragraph (3), (4), or (5) of subdivision (c) of Section 25501, submits a business plan. The fee shall be set in an amount sufficient to pay only those costs incurred by the unified program agency in carrying out this article. In determining the fee schedule, the unified program agency shall consider the volume and degree of hazard potential of the hazardous materials handled by the businesses subject to this article.”

STRATEGIC PLAN ALIGNMENT:

This item contributes to Strategic Priority No. 2 *Community Well-Being* and Goal No. 2.3 – Strengthen neighborhood identifies and improve community health and the physical environment through amenities and programs that foster an increased sense of community and enhanced feelings of pride and belonging citywide.

This item aligns with Each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – Through this contract the City of Riverside has provided hazardous materials services since 1998. Continuing to utilize city staff to perform this service maintains community trust with a zero cost to the general fund.
2. **Equity** – The Riverside Fire Department strives to serve the community with duty and honor by protecting and preserving life, property, and the environment. By locally administering the CUPA program we can ensure the equity of its application.
3. **Fiscal Responsibility** –The departments’ goal is to optimize these services through fiscal responsibility. This contract is funded through the County of Riverside and maintains a zero cost to the general fund.
4. **Innovation** – Utilization of outside funds to comply with federal, state, and local regulations is an innovative approach in meeting regulation requirements.

5. **Sustainability & Resiliency** – Hazardous materials enforcement is mandated at the federal, state, and local levels. This program's goal is to maintain a safe and livable community. Through enforcement, we can ensure a safe and livable community for generations.

FISCAL IMPACT:

There is no fiscal impact of this action to the City's General Fund. The Grants and Restricted Programs, Fire, CUPA revenue and expenditure accounts are restricted accounts. The City receives revenue for all costs associated with the Program. Fees collected by Riverside County are dispersed to the City of Riverside within 45 days, or as mandated by state statute and regulations.

Prepared by: La Wayne Hearn, Interim Fire Chief
Certified as to
availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/Treasurer
Approved by: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/Treasurer
Approved as to form: Phaedra Norton, City Attorney

Attachments: CUPA Agreement