

LOS ANGELES FIRE DEPARTMENT



RALPH M. TERRAZAS
FIRE CHIEF

August 6, 2019

BOARD OF FIRE COMMISSIONERS
FILE NO. 19-089

TO: Board of Fire Commissioners

FROM: *RMT* Ralph M. Terrazas, Fire Chief

SUBJECT: FPB CUPA PROGRAM UPDATE – 3rd AND 4th QUARTER FY
2018 / 2019 (JANUARY 1, 2019 to JUNE 30, 2019)

FINAL ACTION:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Corrections	<input type="checkbox"/> Withdrawn
	<input type="checkbox"/> Denied	<input type="checkbox"/> Received & Filed	<input type="checkbox"/> Other

SUMMARY

The CUPA Section is overseen by a CUPA Manager and is responsible for the administration, permit, inspection, and enforcement activities of the following environmental and emergency management programs with the exception of the hazardous waste program which is implemented by Los Angeles County Fire under a Participating Agency agreement with LAFD:

- Aboveground Petroleum Storage Act (APSA) Program
- California Accidental Release Prevention (CalARP) Program
- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- Hazardous Waste Generator and on-site Hazardous Waste Treatment (tiered permitting) Programs
- Underground Storage Tank Program

The following data was collected from Envision Connect and the California Environmental Reporting System and reflects the status of the State mandated inspections. This report contains inspection data for the 3rd and 4th inspection quarter of the fiscal year (January 1, 2019 to June 30, 2019). The CUPA Section operates on the fiscal year to complete inspections and as a result we have included data for the entire year in addition to 3rd and 4th quarter data.

RECOMMENDATION

That the Board:
Receive and file this report.

DISCUSSION

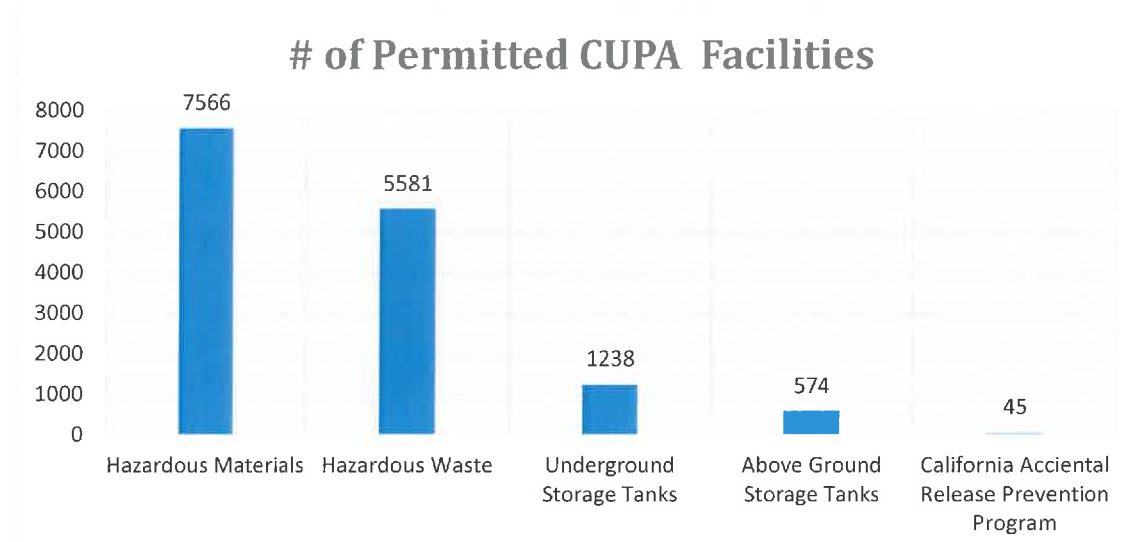
Overall the CUPA program is performing above and beyond in every key performance criteria. The current CUPA Inspectors and command staff have clearly made the difference in how successful the program has been.

Over the past fiscal year, the CUPA Section has engaged in the following projects or initiatives that have had an impact on statewide direction of the CUPA program:

1. Speaker at the 2019 CUPA Conference in the following classes:
 - a. Los Angeles City Underground Storage Tank Enforcement Cases
 - b. Enforcement 101
 - c. Hazardous Materials Inventory and Business Plans 201
 - d. Statewide UST Technical Advisory Group Meeting
 - e. PEAC
2. Evaluation and redesign of the California Environmental Reporting System – Statewide Project
3. Participated on the CUPA Forum Board in the following capacities:
 - a. Statewide Legislative Issue Coordinator
 - b. Statewide Data Steering Coordinator
 - c. Regional Underground Storage Tank Issue Coordinator
 - d. Participation on the CUPA Conference Planning Committee
 - e. Regional CUPA Forum Coordinator
4. AB1646 - Refinery Community Alert and Notification System
5. Fire Inspector I and II and civilian inspector participation on the following statewide committees:
 - a. Underground Storage Tank – Technical Advisory Group
 - b. Hazmat Technical Advisory Group
 - c. APSA Technical Advisory Group
 - d. Hazardous Waste Technical Advisory Group
 - e. Enforcement Technical Advisory Group

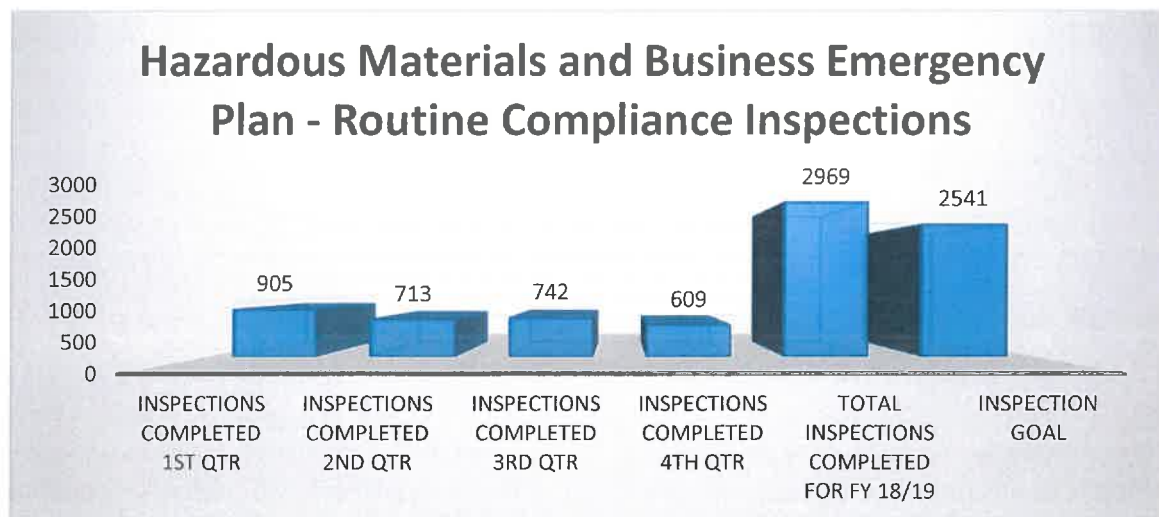
CUPA Permitted Facility Inventory

The following is a summary of the core of the CUPA program which is the inspection and enforcement activities:

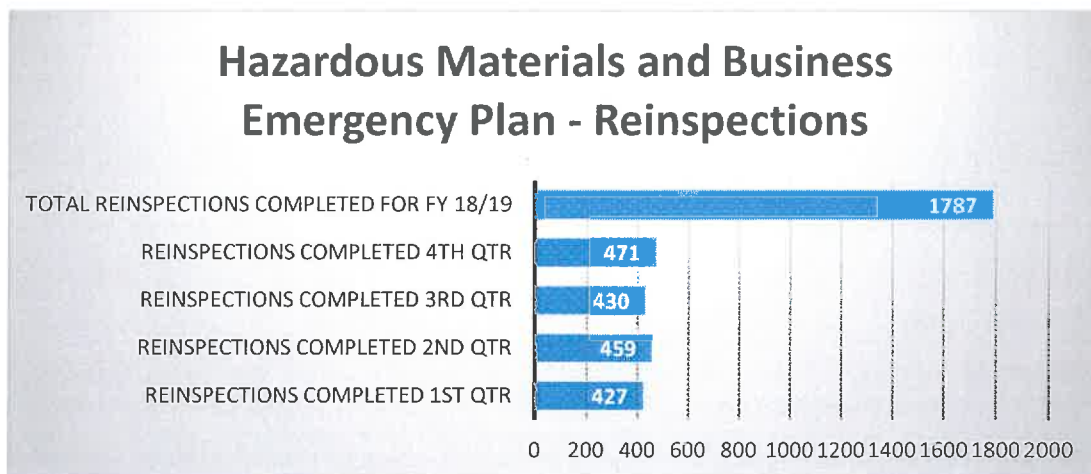


Hazardous Materials and Business Emergency Plan Program

The program has a three year inspection mandate which requires at least 2541 facility inspections to be completed each year. The inspection activity in the Hazardous Materials and Business Emergency Plan Program for the 2nd and 3rd quarter exceeded their goal of inspecting at least 50% of the program inventory. The program has rebounded significantly from past years where staffing levels impacted inspection goals. The program is now fully staffed and surpassing the inspection goals for the previous reporting periods.

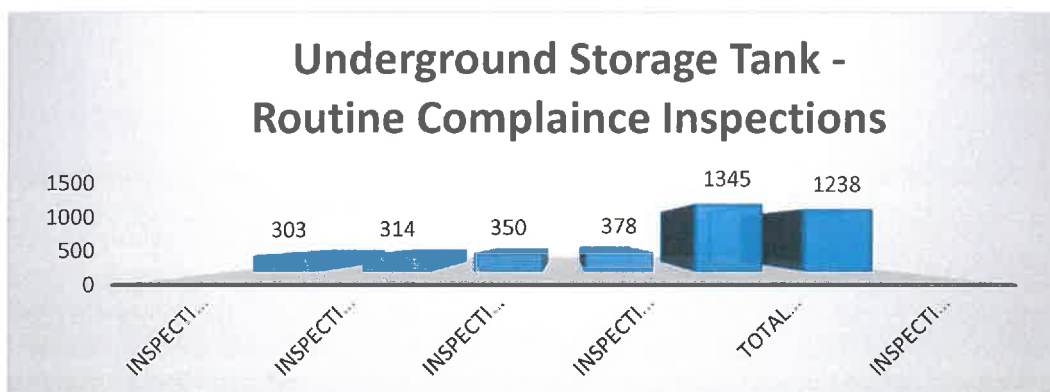


The routine compliance inspections have generated 2835 violations and 1787 reinspections typically associated with businesses failing to submit their inventory in the California Environmental Reporting Systems (CERS) in a timely manner. As this was a deficiency that was issued to the CUPA in 2017 during the State evaluation of the program it has been important to place resources into the issue to avoid a repeat deficiency on subsequent evaluations. During this past reporting period, the CUPA Section initiated an ordinance change to establish a penalty for businesses who fail to submit their inventory. The procedures for how the penalty will be applied are currently being established and a report on this compliance tool will be provided to Fire Commission in a future update.

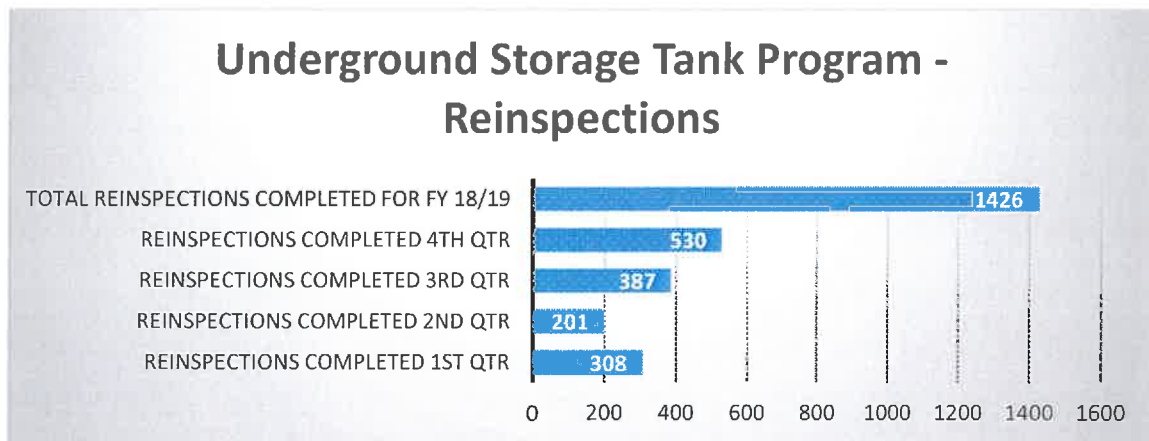


Underground Storage Tank Program

The inspection activity in the UST program has continued with the normal momentum that the program consistently delivers. Inspections are scheduled in accordance with tank integrity testing and therefore the schedule is rigid and assists with meeting inspection mandates. The program is also mandated by the State to perform annual compliance inspections which keeps our inspection activity very consistent and predictable.

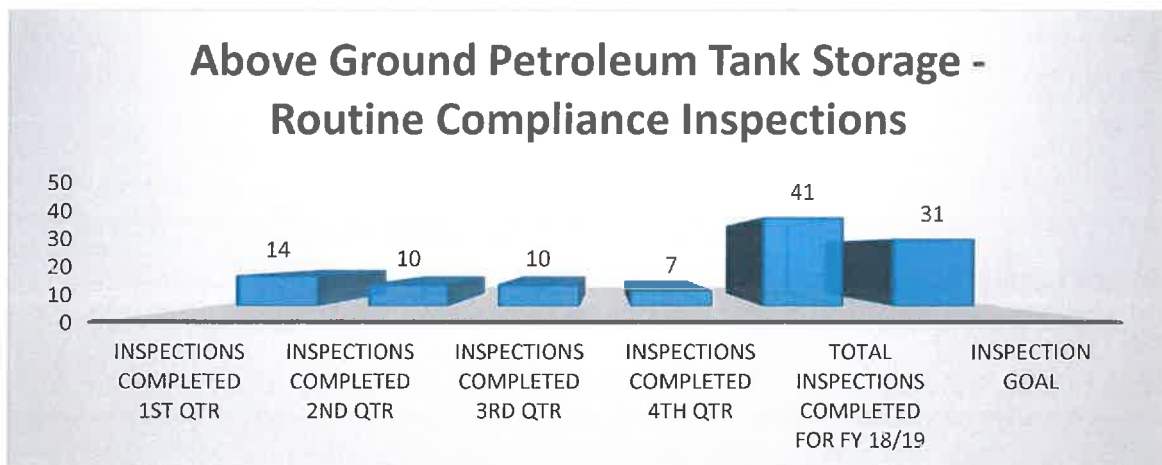


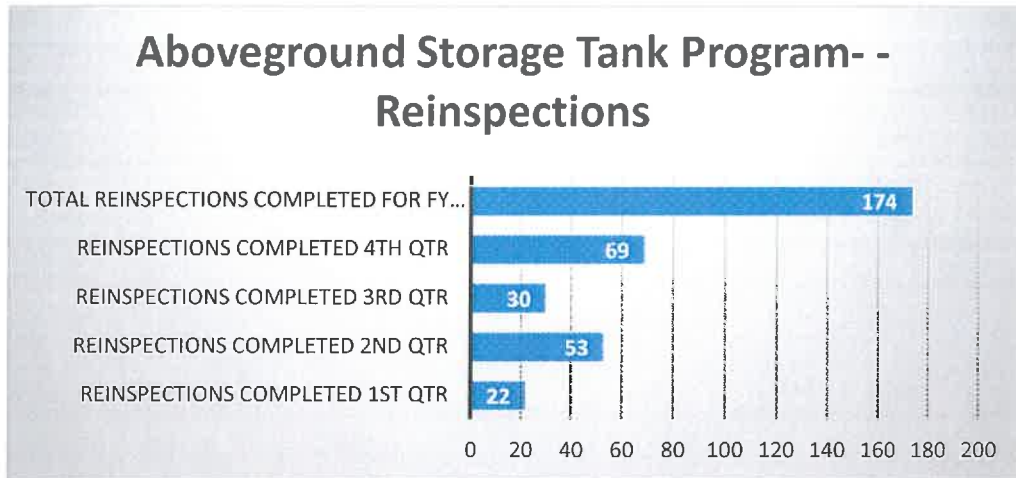
The State Water Resources Control Board is very vigilant and maintains a high level of scrutiny over the UST program statewide. Fortunately, LAFD Inspectors also share the same pride in what we do and also maintain a high level of scrutiny over our UST operators. Over this past reporting period, the CUPA Inspectors performed 1345 routine compliance inspections and 1426 reinspections to follow up on 1532 violations. These numbers are very impressive for any CUPA Section. The formal enforcement statistics represented later in this report reflect the strong efforts of our Inspectors in this program.



Above Ground Petroleum Tank Storage

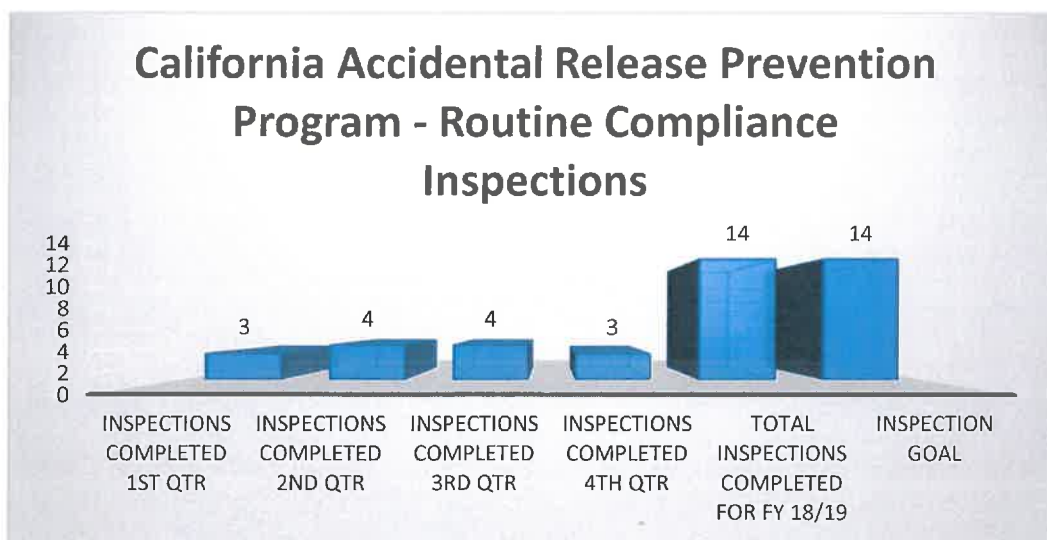
The inspection activity in the Above Ground Petroleum Tank Storage Program exceeded the inspection goal of 50%. The facilities in this program have a three year inspection mandate. The State recently introduced an amendment which will now require above tanks stored below grade, such as a Jiffy Lube, to be regulated under this program. This will generate additional revenue and workload which can be absorbed within the program under the current staffing levels.

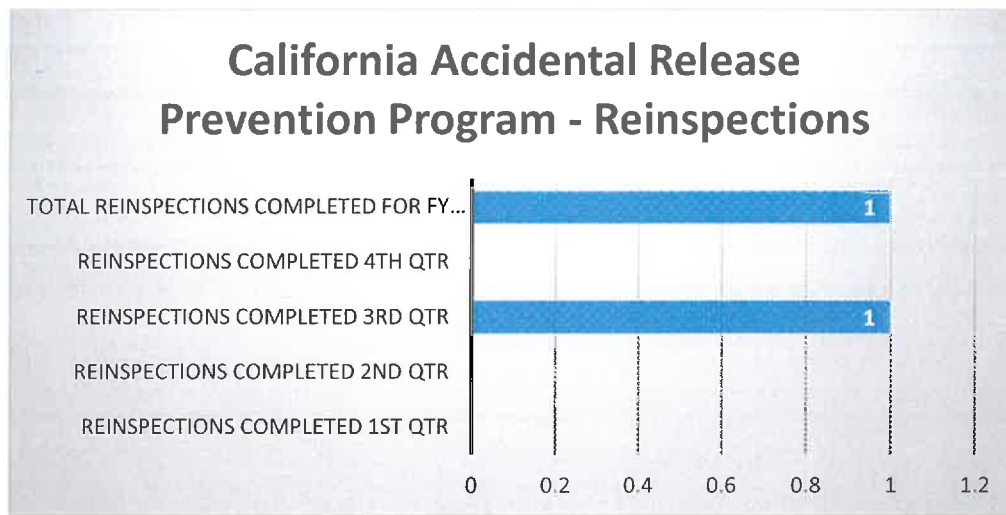




California Accidental Release Prevention Program (Cal/ARP)

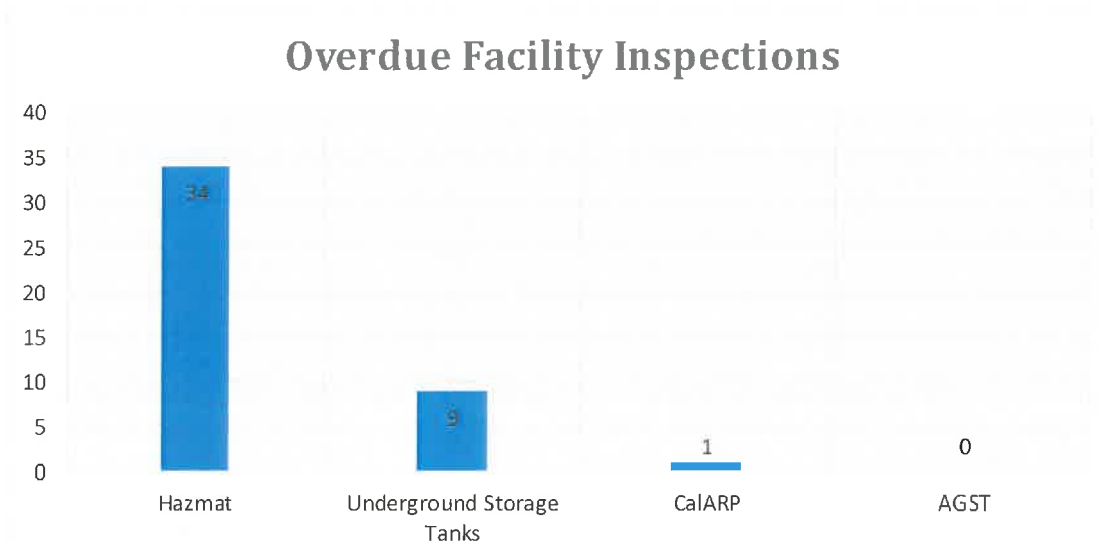
The CalARP program also met the inspection mandate. The program recently introduced a new level of risk management called Level 4 which was implemented into California on October 1, 2017, to address the risks associated with petroleum refineries and recent fires from petroleum refineries across the State. New staffing resources have been requested and approved through the budget process to address the additional workload. The program has a new mandate in accordance with Assembly Bill 1646 which requires the three petroleum refineries in Los Angeles City to develop a community alert and notification system for certain impacted communities surrounding the refineries.





Overdue Inspections

The following CUPA inspections are overdue at the time of writing this report. Inspections typically become overdue from an inability of the CUPA Inspectors to access the facility. Access issues are typically associated with non-responsive business owners or very large facilities where it is difficult to locate the correct representative to coordinate with. In light of the substantial inventory of regulated facilities throughout the City, the number of overdues would be considered insignificant by the State and typically just a maintenance issue. The CUPA Section has maintained a vigilant stance on these facilities and our goal is to eliminate the issue, however this does require constant maintenance and follow up. The number of overdues has significantly reduced since the last report.



Enforcement

The following data was extracted from the California Environmental Reporting System. During the previous quarter inspection staff conducted re-inspections and utilized other progressive enforcement options as follows:

<u>Program</u>	<u>Violations Issued</u>
Hazardous Materials	2835
Underground Storage Tanks	1532
Above Ground Petroleum Storage Tanks	161
California Accidental Release Prevention Program	13

Progressive enforcement was conducted as follows:

- 26 cases were processed through the administrative enforcement order process and \$185,000 in penalties were collected
- 11 cases were referred to the City Attorney's office
- 11 cases were referred to the State Water Resources Control Board.

Staffing Levels

The CUPA staffing levels at the time of writing this report is as follows:

Classification	Assigned Staffing	Actual Staffing	Reason
CUPA Program Manager	1	1	Fully staffed
Fire Captain II	1	1	Fully Staffed
Principal Clerk	1	0	IOD
Fire Inspector I	14	14	Fully staffed
Fire Inspector II	3	3	Fully staffed
RMPP Specialist	2	2	Fully staffed
Geologist	1	1	Fully staffed
Industrial Hygienist	1	1	Fully staffed
Accounting Clerk	2	2	Fully staffed
Administrative Clerk	7	6	1 vacancy, using temp staff to fill.
Supervising Hazardous Materials Specialist	1	0	Working on civil service approval of new classification
Hazardous Materials Specialist	1	0	Working on civil service approval of new classification
Risk Management Engineer	2	0	Working on civil service approval of new classification
Environmental Technician	1	0	Working on civil service approval of new classification
Totals	38	31	

Participating Agency Evaluation

Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) has a Participating Agency (PA) Agreement with LAFD to undertake the inspection and enforcement of businesses that generate hazardous waste within Los Angeles City. Under the agreement and also according to the Health and Safety Code the CUPA Section is responsible for overseeing and evaluating the PA program performance. During the 2016/17, performance evaluation the LAFD CUPA Section determined HHMD was under performing in key critical areas that included falling behind on compliance inspections, poor follow up on outstanding violations, not placing sufficient effort to identify and permit businesses that generate hazardous waste in the City, penalizing Los Angeles City businesses without authority and incorrectly classifying violations.

The LAFD CUPA Section has placed a considerable amount of effort and resources to bring the HHMD program into compliance and to date the response from HHMD has been unsatisfactory. In June of 2019, the LAFD CUPA Section, in consultation with the California Environmental Protection Agency, placed HHMD on a Program Improvement Agreement which establishes clear expectations and deadlines for HHMD to come into compliance with the deficiencies that were identified during the evaluation. The LAFD CUPA Section will continue to work with the PA to resolve the performance issues of HHMD within City of Los Angeles.

Participating Agency Agreement

The LAFD CUPA Section has been working with LAFD Commanders and the City Attorney's Office to draft a new Participating Agency Agreement to replace the existing 1996 agreement which has become outdated and less relevant compared to how CUPA Programs now operate throughout the State. The new draft agreement will also provide transparency and accountability for other services provided by HHMD under the PA agreement which include hazardous materials response and site mitigation services. The current agreement identified these additional services but does not require HHMD to provide any performance or accounting reports or metrics of any kind regarding how these programs are operated. The current agreement is also missing a renewal term for when the agreement should be reviewed to ensure performance, fee accountability and operations are consistent with expectations current at the time. Ultimately a new PA agreement will be beneficial for all parties including the businesses in the City who are ultimately the center of the program and burdened with paying HHMD fees.

CONCLUSION

Overall the CUPA Section is performing above or beyond for the majority of the inspection goals set for the program and is well on track to meet program expectations for the next reporting year. Although satisfied with current performance, we will continue with our efforts to constantly improve with a goal of making the LAFD CUPA Program a statewide standard.

Board Report prepared by Royce Long, CUPA Manager, CUPA Section, Fire Prevention and Public Safety Bureau.