

LOS ANGELES FIRE DEPARTMENT



RALPH M. TERRAZAS
FIRE CHIEF

August 9, 2021

BOARD OF FIRE COMMISSIONERS
FILE NO. 21-074

TO: Board of Fire Commissioners

FROM:  Ralph M. Terrazas, Fire Chief

SUBJECT: FPB CUPA PROGRAM UPDATE – 2020/2021 FISCAL YEAR

FOR 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 Withdrawn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

Los Angeles Fire Department's Certified Unified Program Agency (LAFD CUPA) Section is overseen by a Program 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 (LACoFD) under a Participating Agency (PA) agreement with the Los Angeles Fire Department (LAFD):

- Aboveground Petroleum Storage Act (APSA) Program
- California Accidental Release Prevention (CalARP) Program
- Hazardous Materials Inventory and Business Emergency Plan (HMBP) Program
- Hazardous Waste Generator Program
- Underground Storage Tank (UST) Program

The following data was collected from Envision Connect and the California Environmental Reporting System and reflects the status of the State mandated inspections. The LAFD CUPA operates on a fiscal year to complete inspections. This report contains inspection data for 2020/2021 fiscal year.

RECOMMENDATION

That the Board:
Receive and File.

DISCUSSION

Overall the LAFD CUPA Program continues to perform and mature as a program that delivers on mandates and supports the mission of the Los Angeles City Fire Department. The CUPA members and their unit commanders continue to deliver on service and develop new initiatives to address public safety issues as they challenge the City. Clearly, none of this would be possible without the continuous support of our commanders, Chief Saunders, Chief Crowley, Chief Mathis and Chief Terrazas.

Over the past twelve months the LAFD CUPA has engaged in the following projects or initiatives that have had an impact locally or on statewide direction of the Certified Unified Program (CUPA) Program:

1. Evaluation and redesign of the California Environmental Reporting System – Statewide Project
2. Participated on the CUPA Forum Board in the following capacities:
 - a. Executive Board Member – Vice Chair
 - b. Statewide Legislative Issue Coordinator
 - c. Statewide Data Steering Coordinator
 - d. Regional Underground Storage Tank Issue Coordinator
 - e. CUPA Conference Planning Committee – Track Coordinator
 - f. Regional CUPA Forum Coordinator
 - g. Advisory Board Member for CERS NextGen
3. 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
4. Participation in LAFD's Unmanned Aerial System (UAS) project providing key assets and drone pilots to support the mission of the program. (Insert drone picture)
5. Rollout of PEAC hazmat inventory and modeling software to the Joint Hazard Assessment Team and Hazmat Squads.

State CUPA Evaluation Update - California Environmental Protection Agency

The LAFD CUPA was evaluated at the end of 2019 by CalEPA, the Department of Toxic Substances Control (DTSC), State Water Resources Control Board, Office of Emergency Services and the State Fire Marshal's Office. The evaluation reviewed the complete implementation of the program which includes administration, inspection and enforcement activity and implementation performance by our Participating Agency (PA) the Los Angeles County Fire Department's Health Hazardous Materials Division for the Hazardous Waste Program (LACoFD HHMD).

The results of the evaluation resulted in no deficiencies for the CUPA implementation of the program however deficiencies were issued for the Participating Agency's (LACoFD HHMD) implementation of the Hazardous Waste Generator program within the City.

The main concern has been the high number of hazardous waste generators within the City that have been left unregulated and unpermitted within the City. LAFD CUPA and the Department of Toxic Substances Control has worked very closely with the PA to identify and permit approximately 1500 businesses across the City that generate hazardous waste and were left unpermitted by the PA.

Due to the efforts by LAFD CUPA and the County to address this serious deficiency, DTSC just recently closed out the last deficiency on the CUPA evaluation report. The LAFD CUPA Program will continue to work with the County to ensure consistent program performance and avoid any reversion back to unacceptable program implementation. The State evaluation is now considered complete and final.

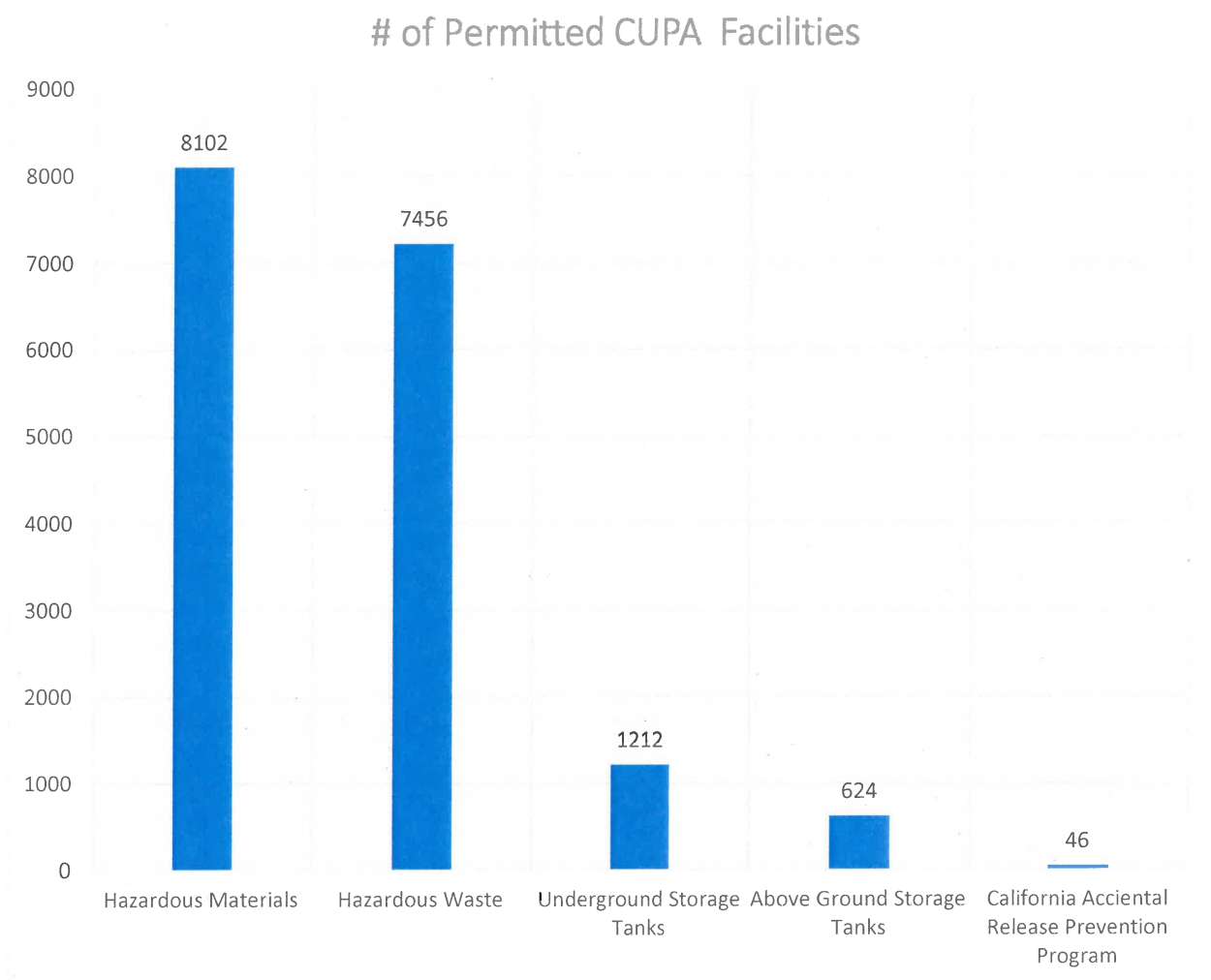
Participating Agency Evaluation

The LACoFD HHMD has a PA Agreement with LAFD to undertake the inspection and enforcement of businesses that generate hazardous waste within City. Under the agreement and also according to the Health and Safety Code, the LAFD CUPA is responsible for overseeing and evaluating the PA program performance. During the 2016/17 performance evaluation the LAFD CUPA determined the PA was under performing in key critical areas that included falling behind on compliance inspections, poor follow up on outstanding violations, not identifying and issuing permits to businesses that generate hazardous waste in the City, penalizing City businesses without authority and incorrectly classifying violations.

The LAFD CUPA has placed a tremendous amount of effort and resources to bring the PA's program into compliance, and to date the response from the PA continues to be unsatisfactory. In June 2019, the LAFD CUPA, in consultation with the California Environmental Protection Agency, placed the PA on a Program Improvement Agreement (PIA) which establishes clear expectations and deadlines for the PA to come into compliance with the deficiencies that were identified during the evaluation. The PA is improving but continues to be out of compliance with the PIA. The LAFD CUPA will continue to work with the PA to resolve their performance issues.

LAFD CUPA Permitted Facility Inventory

The following is a summary of the core activities of the LAFD CUPA Program which are inspection and enforcement. The LAFD CUPA permits approximately 8,600 businesses across the City which generates approximately \$9.0M in revenue and additional revenue from enforcement penalties of \$790,442 and plan check fees of approximately \$600K. The LAFD CUPA also permits 7,456 hazardous waste facilities across the City which also generates an additional \$6.9M in permit revenue which the LAFD CUPA collects and passes onto the PA. The PA also enforces on businesses within the City and generates enforcement revenue from administrative hearings, district attorney cases and statewide cases which are almost always based on hazardous waste violations compared to the rest of the LAFD CUPA programs. Below is a summary of the inventory for each of the CUPA program elements:

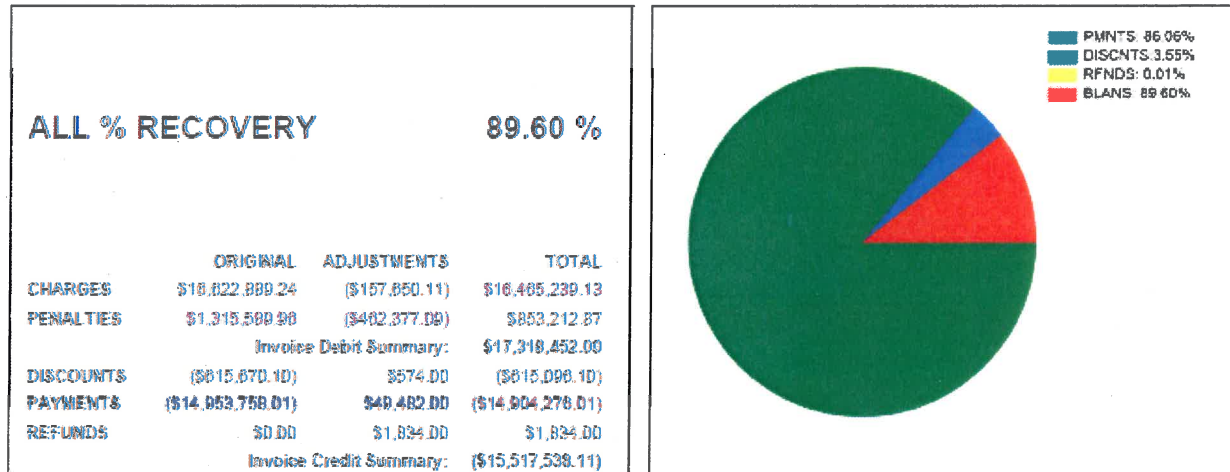


Below is a summary of LAFD CUPA permit fee charges for the 2020/2021 fiscal year. Revenue collection overall was at 89.6% which is slightly down 2-3% and could be expected as a result of the fiscal impact of Covid -19 on our businesses. Other CUPA's across the State have estimated a 10% reduction in the collection of fees due to Covid-19. The predicted revenue reduction for LA City was less than expected.

The 89.6% revenue collection noted above includes LAFD CUPA and the PA's permit fees for the hazardous waste generator program. If the collection rate is broken down by City and County the rates are 95.1% and 82.5% accordingly. The City rate is usually in the vicinity of 95% looking at past years revenue collection during the same time of the year. LA County's rate dropped as it has been traditionally around the 85% mark. The difference between the two rates are explained in the way we do inspections. During LAFD CUPA inspections we have our members check if the facility has a permit which generally results in the facility making a payment if they have not already done so. Our PA does not have their inspectors check billing and payment status during routine compliance inspections.

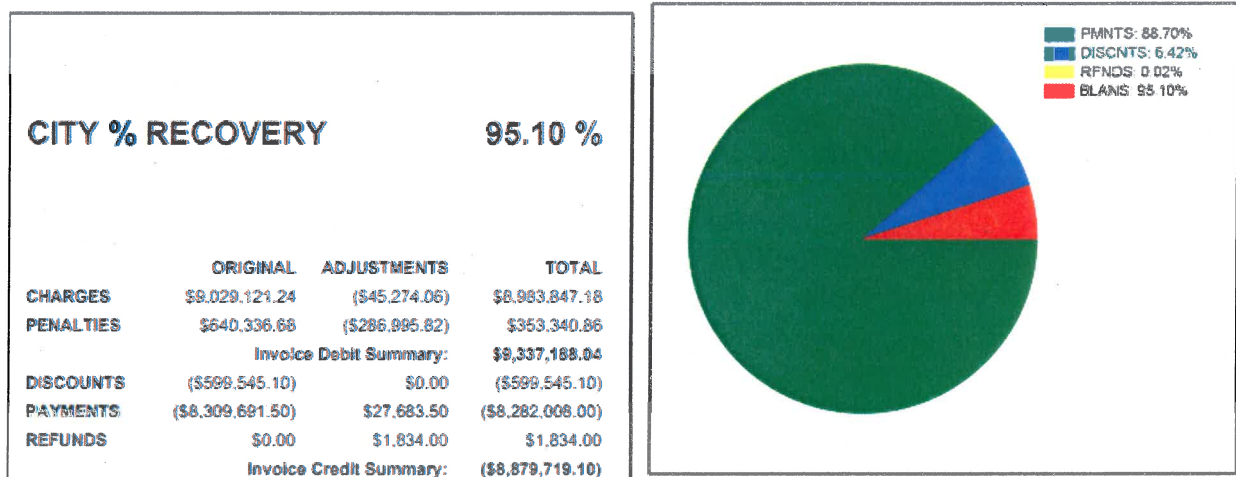
ENVISION CUPA INVOICE SUMMARY FOR INVOICE DATES BETWEEN: 7/1/2020 AND 6/30/2021 FOR ALL REVENUE SOURCE

INVOICE DATE FROM: 7/1/2020 TO 6/30/2021



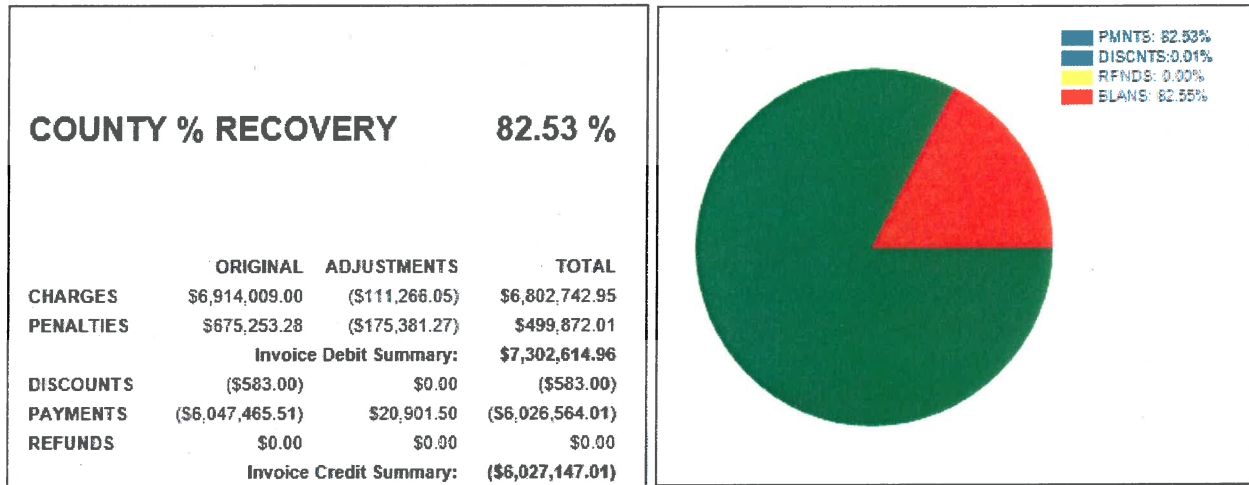
ENVISION CUPA INVOICE SUMMARY FOR CITY REVENUE SOURCE

INVOICE DATE FROM: 7/1/2020 TO 6/30/2021



**ENVISION CUPA INVOICE SUMMARY
FOR INVOICE DATES BETWEEN: 7/1/2020 AND 6/30/2021
FOR COUNTY REVENUE SOURCE**

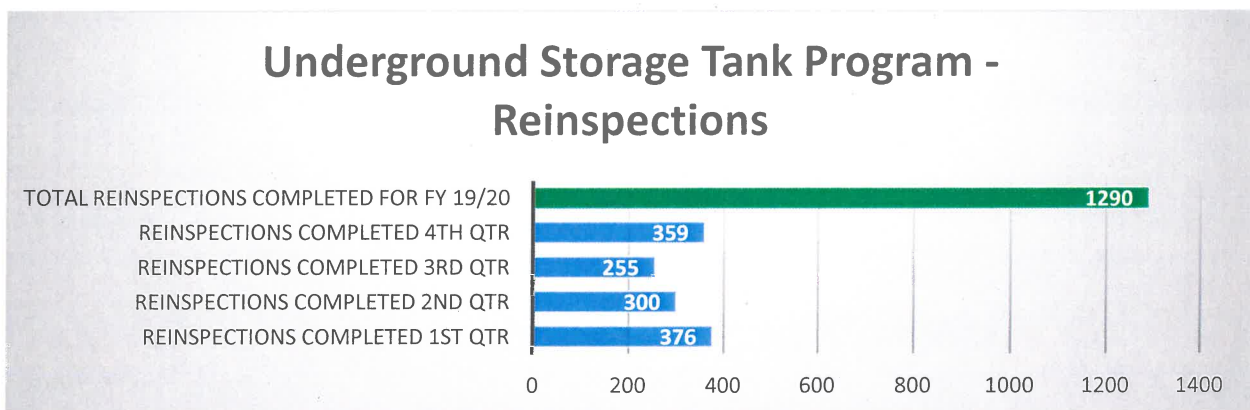
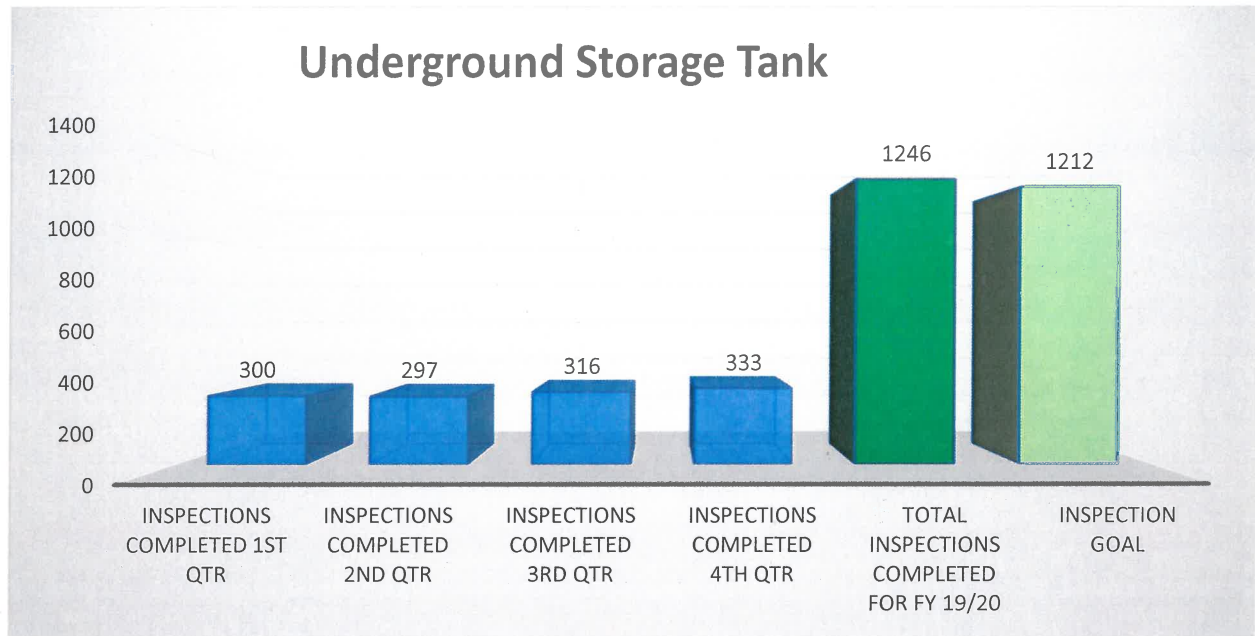
INVOICE DATE FROM: 7/1/2020 TO 6/30/2021



Underground Storage Tank Program (UST)

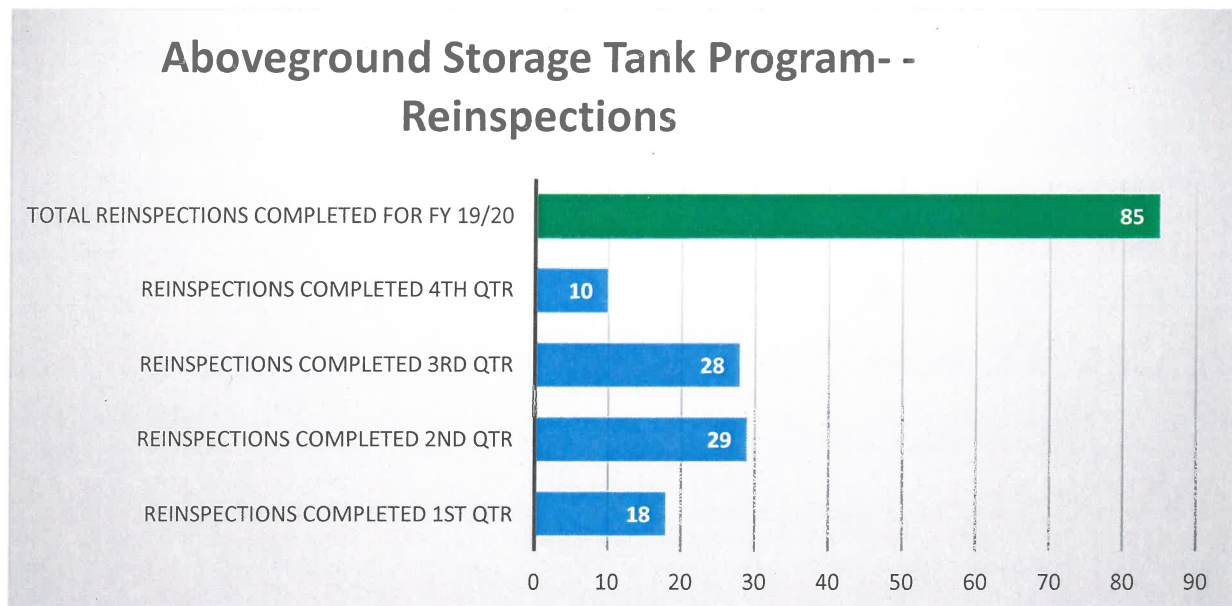
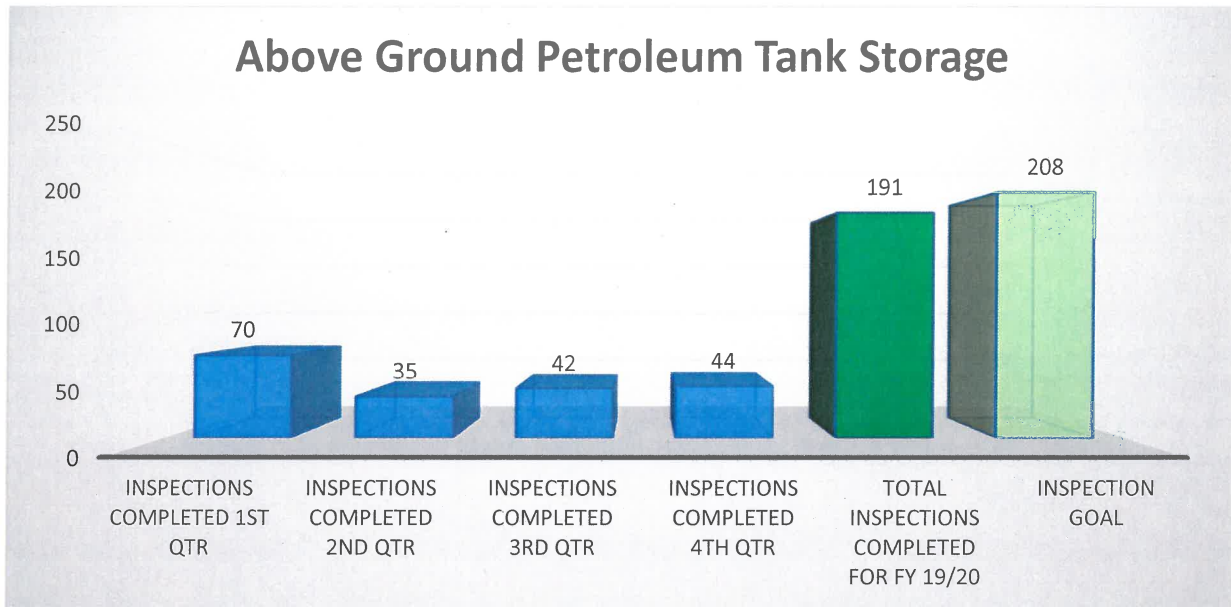
The inspection activity in the UST Program has continued with the normal momentum that the program consistently delivers. Inspections are scheduled in accordance with tank integrity testing and therefore the schedule is rigid and assists with meeting inspection mandates. The program is also mandated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

The State Water Resources Control Board is our oversight agency and is very vigilant and maintains a high level of scrutiny over the UST program statewide. Fortunately, LAFD CUPA Inspectors also share the same pride in what we do and maintain a high level of scrutiny over our UST operators. Over this past reporting period the LAFD CUPA Inspectors performed 1246 routine compliance inspections and 1290 reinspections. These numbers are very impressive for any CUPA.



Aboveground Petroleum Storage Tank Program (APSA)

The inspection activity in the APSA Program met 92% of the inspection goal. The facilities in this program have a three-year inspection mandate. During this past year it has been difficult to reach all of our facilities due to Covid -19 restrictions at individual sites. 42% of the sites inspected also received a reinspection.



California Accidental Release Prevention Program (CalARP)

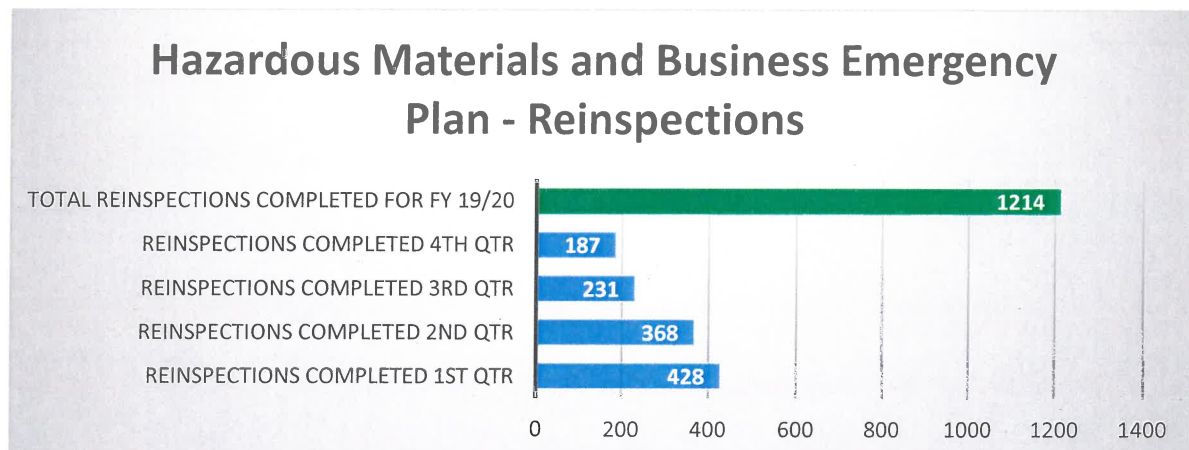
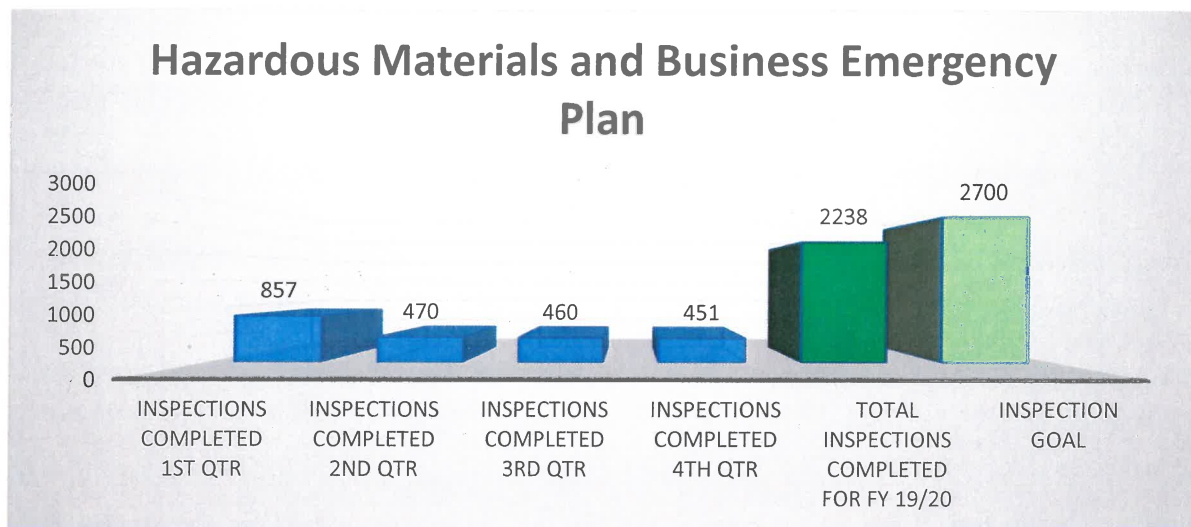
The CalARP program has 6 inspections due this reporting year however only 1 inspection was completed. The specialist for the CalARP Program had been diverted to evaluating LACoFD Hazardous Waste Generator Program performance and was unable

to complete the inspections. The inspections will be caught up in the first quarter of the 21/22 fiscal year.

Hazardous Materials and Business Emergency Plan (HMBP) Program

The HMBP program is mandated with a three-year inspection which requires at least 2700 facility inspections each year. Currently, this isn't the case as the CUPA Section fell short of their mandate by 462 inspections. The reason behind the shortfall is related to the addition of approximately 500 new facilities into the program. For the forthcoming budget requests, the CUPA will be requesting an additional Fire Inspector to cover the additional inspections created by the new facilities added into the program.

The inspection activity in the (HMBP) Program for the fiscal year totaled 2238 routine inspections and 1214 re-inspections which was very similar to last year's performance.



Enforcement

The following data was extracted from the CERS. During the fiscal year inspection staff conducted re-inspections and utilized other progressive enforcement options as follows:

<u>Program</u>	<u>Violations Issued</u>
Hazardous Materials	5329
Underground Storage Tanks	3469
Aboveground Petroleum Storage Tanks	770

- 9 cases were processed through the administrative enforcement order process and \$130,490 in penalties were collected
- 24 cases were referred to the City Attorney's office and \$659,952 in penalties were collected.
- No cases were referred to the State Water Resources Control Board as all cases were able to be adjudicated administratively or through the City Attorney's Office.
- As in the previous year, more emphasis was placed on city attorney case referrals for the 20/21 fiscal year.
- We have recently revised our enforcement procedures and trained staff to streamline our enforcement cases to assist in reducing the backlog of 72 cases which remain unprocessed.

Staffing Levels

The LAFD 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
Fire Captain I	0	1	Detail
Principal Admin Clerk	1	1	Fully staffed
Fire Inspector I	15	15	Fully staffed
Fire Inspector II	3	4	Fully staffed + 1 detail
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	7	1 Position frozen by CAO 1 Position detailed from FM Office.
Totals	34	35	

Other Notable CUPA Activity

The LAFD CUPA has responded to the 2020 Boyd St explosion by addressing the issue on multiple fronts which include the following:

1. Working with LAFD Emergency Operations and the Joint Hazard Assessment Team to deploy PEAC software to the Hazmat Squads and with an intention to deploy the software on all fire apparatus within the near future. The software brings down the hazardous materials inventory, maps and business emergency contact information submitted by every permitted business in the City and makes it available to our first responders prior to arriving at an incident. All field personnel are being trained on the use of PEAC through 2021 First Responder Operational training.
2. An online CUPA referral form was developed for engine companies who have identified potentially unregulated sites storing hazardous materials. The form was embedded in the PEAC application.
3. The CUPA has joined a federal butane task force to identify and analyze butane import, transport and storage activity.
4. LAFD CUPA has been working with the CUPA Forum Board and LA County to develop statewide legislation to shut down an activity at a facility if it is deemed by the CUPA, to be an imminent and substantial danger to public safety or the environment. The bill is currently working its way through the legislature as AB480.
5. LAFD CUPA have also worked with the CUPA Forum Board to develop an additional legislative proposal to remove the retail exemption from the hazardous materials inventory program. This exemption allows retail sites that store hazardous materials, such as butane or nitrous oxide, to be exempt from reporting their inventory to the CUPA and thereby denying our first responders critical hazmat data that could protect lives. The proposal will be introduced during the 2022 state legislative session.
6. LAFD CUPA is spearheading a statewide initiative with the CalEPA Emergency Response Management Committee to address a statewide issue whereby butane cleanup is not covered by statewide emergency cleanup funds unless it is directly associated with drug activity. The Department of Toxic Substances Control has identified butane disposal as one of its greatest challenges since the increase in cannabis activity across the state. This initiative is geared at removing some of the legislative restrictions associated with funding butane disposal.
7. LAFD CUPA will also be working with LAFD Emergency Operations to develop other initiatives including outreach to educate the handlers of butane and nitrous oxide and the general public on safe storage and handling practices.

CONCLUSION

The LAFD CUPA Program continues to push the program in all directions in an effort to strive for excellence, to be a leader across the state and support our mandates of protecting public safety, the environment and our first responders. We employed strategies to add additional permits this past fiscal year which means additional inspection staff will be needed to meet our state inspection mandates. It also means

additional permit revenue for the city. The Hazardous Waste Generator program remains under a Program Improvement Agreement however that is likely to be lifted soon as the County has finally responded positively to the corrective actions.

Overall, for the size of the program, we have many achievements this past reporting period and I could not be any prouder of the members that have made the program what it is today.

Board report prepared by Royce Long, CUPA Manager.