

LOS ANGELES FIRE DEPARTMENT



BRIAN L. CUMMINGS
FIRE CHIEF

May 14, 2012

BOARD OF FIRE COMMISSIONERS
FILE NO. **12-081**

TO: Board of Fire Commissioners

FROM: Brian L. Cummings, Fire Chief

SUBJECT: ADMINISTRATIVE ENFORCEMENT IMPLEMENTATION

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 Withdrawn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

Recommendations: That the Board:

1. Approve the establishment of a sub-account under the Fire Department Trust Fund No. 848 to be called "CUPA AEO Penalties."
2. Approve the establishment and implementation of the Administrative Enforcement Program for the LAFD Unified Program.
3. Subject to the approval of the Board, direct the Board's Executive Assistant to forward this report to the Mayor and City Council for consideration and approval.

Summary:

Certified Unified Program Agency (CUPA): In 1983, Senate Bill 1082, created the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program), which requires the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The LAFD's Unified Program was established in 1997. The goal of the Unified Program is to create a more cohesive, effective and efficient program for the regulation of hazardous and waste materials. Annual fees for each program are merged into a single fee system. The six (6) Program Elements consolidated under the Unified Program are:

1. Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs. (a.k.a. Tiered Permitting)

2. Aboveground Petroleum Storage Tank Spill Prevention Control and Countermeasure Plan (SPCC)
3. Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or "Community-Right-To-Know")
4. California Accidental Release Prevention Program (CalARP)
5. Underground Storage Tank Program (UST)
6. Uniform Fire Code plans and Inventory Requirements

Effective administration of the LAFD CUPA Program requires enforcement. LAFD seeks to implement an Administrative Enforcement Program to help enforcement of CUPA. Currently, the CUPA violations are referred to outside prosecutorial agencies for criminal enforcement. Administrative Enforcement allows the CUPA to pursue action, recover costs and impose penalties in addition or as an alternative to criminal prosecution by an outside prosecutorial agency, such as the City Attorney's Office.

The California Health and Safety Code provides enforcement guidelines and authority for CUPAs. Enforcement options for CUPAs include criminal, civil and administrative remedies. An Administrative Enforcement Order (AEO) is an enforcement process used by a Certified Unified Program Agency (CUPA) to ensure compliance and assess penalties within its program elements. California Health and Safety Code Section 25404.1.1 provides authority for the CUPA to issue an AEO to any person who has committed a violation of any law, regulation, permit, order or other requirement the CUPA is authorized to enforce or implement.

Administrative Enforcement authority can be used to address violations for the following LAFD CUPA Program Elements:

- Underground Storage Tank (UST) Program
- Above Ground Storage Tank (AST) Program
- California Accidental Release Prevention (CalARP) program
- Hazardous Materials Release Response Plans and Inventory Program
- Hazardous Waste & Tiered Permitting Program (Done by LA County)

Administrative Enforcement provides several advantages over other criminal or civil options. Administrative Enforcement provides adequate enforcement opportunities for cases which need formal action but don't warrant referral for criminal prosecution. Administrative enforcement also produces a faster response than civil or criminal enforcement while preserving the LAFD's control over the process. It is less formal as compared to civil or criminal with more relaxed rules of evidence enforcement. Administrative enforcement may be the best process available when other prosecutorial resources are limited.

The AEO Process would not prevent the CUPA from referring cases requiring civil or criminal action.

The California Health and Safety Code provides enforcement guidelines and authority for CUPA's. In an effort to facilitate consistent enforcement response actions throughout California, a violation classification system has been established. This system is used as a guide and does not prevent a CUPA from taking any enforcement action they deem appropriate. The violations are classified as either Minor, Class I, or Class II. The State requires enforcement action on all Class 1 violations. This is an area in which the LAFD CUPA was found to be deficient during both the 2009 and 2011 Cal/EPA audits. The descriptions vary for each of the different Program Elements, but a simple explanation is as follows:

- CLASS 1: The most egregious type of violation. (i.e.) violations that are willful, intentional, knowing, pose significant threat of harm to environment or human life. Also includes chronic violators and record falsification.
- CLASS 2: Moderate level violations that do not meet the criteria of Class 1 or minor.
- MINOR: Lowest level violation. (i.e.) failure to submit required paperwork, record keeping violations.

Besides the circumstances involved (as mentioned earlier), penalty calculations can be figured using the above classification system and the Cal/EPA Penalty Matrix.

The California Health and Safety Code Section 25404.1.1(i) provides that "all administrative penalties collected shall be paid to the CUPA that imposed the penalty, and shall be deposited into a special account that shall be expended to fund the activities of the CUPA in enforcing this chapter." The LAFD seeks to establish a special account under the Fire Department Trust Fund No.: 848 to be called "CUPA AEO Penalties" for the collection of penalties. Funds in this account may be used for limited purposes established by the Health and Safety Code. Examples of selected activities would include training and other equipment used for enforcement purposes. Penalties paid into the AEO Special Account shall not be combined with funds used to pay the salaries of Department Personnel.

Conclusion:

There is existing legal authority under the California Health and Safety Code Section 25404.11 to give the LAFD CUPA the authority to implement Administrative Enforcement and to impose AEO fines for violations. This program is not designed to put companies out of business, but rather to maintain compliance with environmental regulations. The risk to the environment for violation of hazardous and waste violations mandate that the CUPA maintain compliance. The Administrative Enforcement Program gives the LAFD CUPA another valuable alternative for seeking compliance.

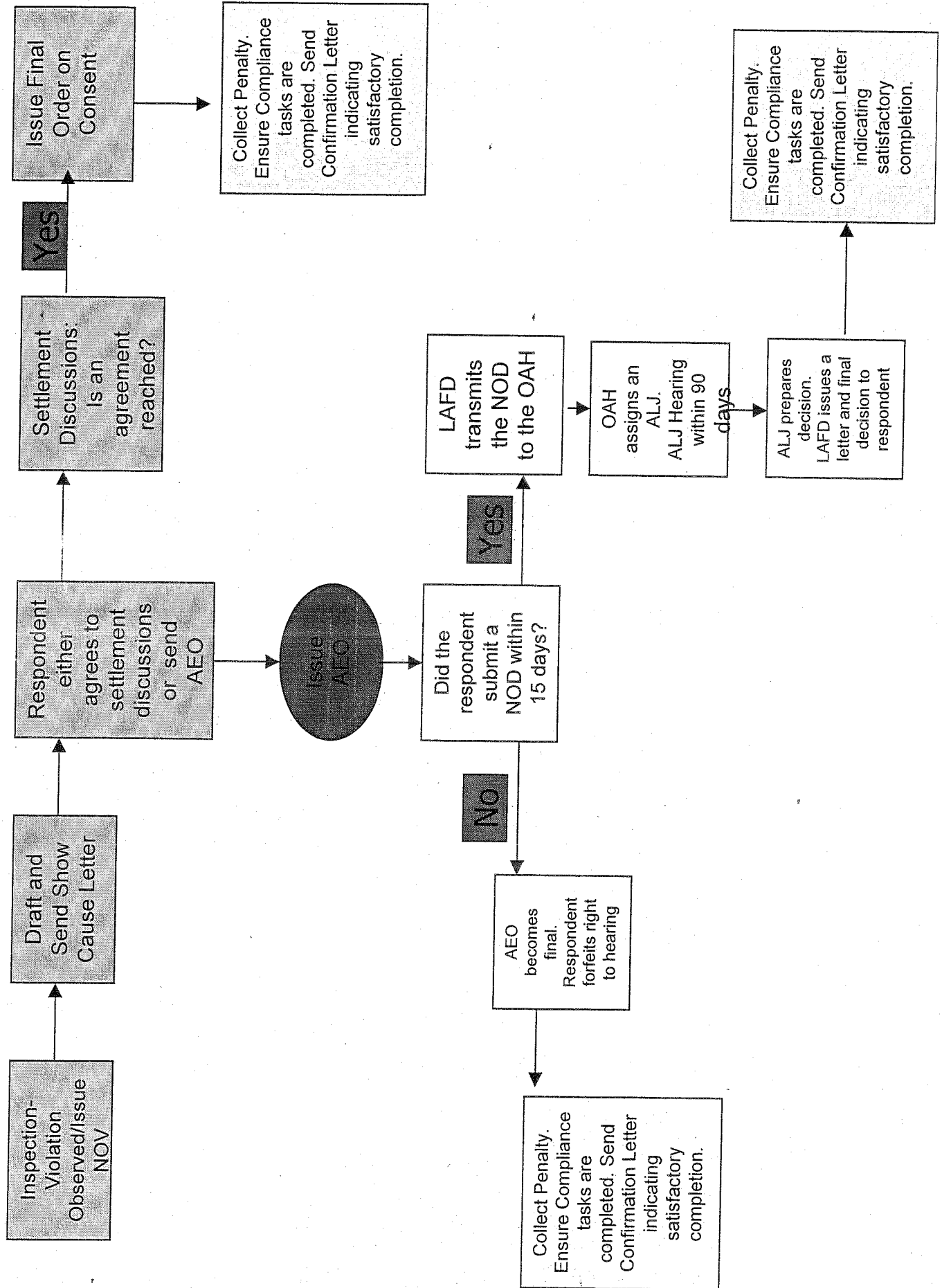
The California Health and Safety Code gives the CUPA the authority to impose AEO fines for violation up to \$5,000 per day per violation for the most egregious offenders.

An AEO Program in place can aid in correcting some of the enforcement deficiencies that were noted in the recent 2009 and 2011 Cal/EPA audits of the LAFD CUPA. With the AEO Program fully operational, it is estimated that the LAFD CUPA can collect \$200,000 annually in penalties, as well as recover costs. CUPA regulations require that all penalties and costs must remain part of CUPA's isolated budget and not part of the LAFD's budget. The Office of the City Administrative Officer has been forwarded a copy of this report for their review.

The AEO process includes many steps, therefore a flow chart has been attached for reference. Also included in the attachments are the LAFD Inspection and Enforcement Plan which explains CUPA and the AEO process in comprehensive detail.

Board Report prepared by John Vigil, Fire Inspector I, Legal Liaison Unit, Bureau of Fire Prevention and Public Safety.

Attachments



VI. Administrative Enforcement Order (AEO)

A. STATUTORY AUTHORITY

California Health and Safety Code (H&SC), Chapter 6.11, Section 25404.1.1:

If the Unified Program Agency determines that a person has committed, or is committing, a violation of any law, regulation, permit, information request, order, variance, or other requirement that the UPA is authorized to enforce or implement pursuant to this chapter, the UPA may issue an **Administrative Enforcement Order (AEO)** requiring that the violation be corrected and imposing an administrative penalty. This authority can be used to address violations of the following requirements:

- Hazardous Waste and Tiered Permitting Program: H&SC, Chapter 6.5 (commencing with Section 25100).
- Underground Storage Tank Program: H&SC, Chapter 6.7 (commencing with section 25280) not including violations of corrective action requirements established by or issued pursuant to section 25296.10 [H&SC, Section 25299 (d)].
- Above Ground Storage Tank Program: H&SC, Chapter 6.67, Section 25270.5.
- Hazardous Materials Release Response Plans: H&SC, Chapter 6.65, Article 1 (commencing with Section 25500).
- California Accidental Release Prevention (CalARP) Program: H&SC, Chapter 6.95, Article 2 (commencing with Section 25331).

B. DEFINITIONS

1. Formal enforcement

Administrative enforcement allows LAFD to pursue an action independent of an outside prosecutorial agency and to determine an appropriate penalty base on the circumstances of the violation. Administrative enforcement has the following advantages:

- Provides sufficient enforcement response for cases requiring formal action but are not appropriate for referral to an outside prosecutor;
- Generally produces a faster response than criminal and civil enforcement;
- Preserves LAFD control over the process;
- Has less formal rules of evidence as compared to criminal or civil enforcement; and
- This may be the only formal enforcement process available when other prosecutorial resources are limited.

2. Administrative enforcement order

Includes any of the following: consent order, expedite consent order, stipulation and order, and unilateral order.

Minor violation [H&SC, Chapter 611, Section 25404 (a)(3)]

Minor violation means the failure of a person to comply with any requirement or condition of any applicable law, regulation, permit, information request, order, variance, or other requirement, whether procedural or substantive, of the Unified Program that the LAFD is authorized to implement or enforce pursuant to this chapter, and that does not otherwise include any of the following:

- A violation that results in injury to persons or property, or that presents a significant threat to human health or the environment.
- A knowing willful or intentional violation.
- A violation that is a chronic violation, or is committed by a recalcitrant violator. In determining whether a violation is chronic or a violator is recalcitrant, the LAFD shall consider whether there is evidence indicating that a violator has engaged in a pattern of neglect or disregard with respect to applicable regulatory requirements.
- A violation that results in an emergency response from a public safety agency.
- A violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.
- A class I violation committed by a chronic or a recalcitrant violator, as provided in Section 25117.6
- A class II violation committed by a chronic or a recalcitrant violator, as provided in Section 25117.6
- A violation that hinders the ability of the LAFD to determine compliance with any other applicable local, state, or federal rule, regulation, information request, order, variance, permit, or other requirement.

C. ADMINISTRATIVE ORDER ISSUANCE AND SETTLEMENT PROCESS

1. Introduction

LAFD is authorized by H&SC Section 25404.1.1 to issue administrative enforcement orders that impose penalties. The goals of the AEO are to return a facility to compliance in a timely manner, eliminate illegally obtained economic benefit, punish the violator, and deter future noncompliance. To expedite achieving the enforcement goal as efficiently as possible, the LAFD should encourage the respondent to enter into settlement discussions. Settlement discussions can occur at any time.

"Show Cause" Approach

The LAFD has selected the "Show Cause" procedures for initiating, and issuing administrative orders.

Steps in the process:

1. Send a "Show Cause" letter (See Form AEO-06)
2. If the respondent agrees, set up settlement discussions.
3. Conduct settlement discussions.
4. If an agreement is reached, complete and mail a Final Order.
5. If no response is received to the "Show Cause" letter or if settlement is not achieved, issue a Unilateral Order.
6. If settlement is achieved, collect penalties and assure that compliance tasks are completed

Unilateral Order

Preparing a Unilateral Order

When preparing a Unilateral Order, the following documents must be included in the package served on the respondent (Form AEO-04):

- A copy of the signed order (Form AEO-05)
- All exhibits referred to in the order
- Statement to the Respondent (Form AEO-09)
- A copy of proof of service (Form AEO-11)
- Cover letter to respondent (Form AEO-07)
- Two copies of Notice of Defense – NOD (Form AEO-10)

Serving the Order

H&SC Section 25404.1.1(c) requires that an order be served in person or by certified mail. LAFD will mail the order by first-class certified mail, return receipt requested. H&SC Section 25404.1.1(d) states that if no notice of defense is received within **15 days** of service of the order, the order becomes final. LAFD will allow an additional 5 days for mail delivery time (**20 days total**).

If a notice of defense is received, within **90 days** of its receipt LAFD will schedule a hearing before the hearing officer selected by the respondent from the following:

- An **administrative law judge** of the Office of Administrative Hearings of the Department of General Services, who shall conduct the hearing in accordance with Chapter 4.5. of Part 1 of Division 3 of Title 2 of the Government Code, and the LAFD shall have all the authority granted to an agency by those provisions;
- A **hearing officer designated by LAFD** who shall conduct the hearing in accordance with the Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, and the LAFD shall have all the authority granted to an agency by those provisions. When a hearing is conducted by the LAFD hearing officer, LAFD shall issue a decision within **60 days** after the hearing is conducted.

Amending a Unilateral Order

There are two occurrences when a Unilateral Order may be amended:

- When the respondent files a request for a revision and the LAFD agrees the change is needed, LAFD makes the appropriate amendments and sends a copy to the respondent.
- When LAFD independently determines that a correction is necessary. To move above issuance of an amended Unilateral Order in this situation requires the reissuance of the complete service package and may create new hearing rights.

Withdrawing an Order

If the LAFD decided to withdraw a Unilateral Order, LAFD completes a Notice of Dismissal (NOD) (Form AE017) and sends the form with a letter, return receipt requested, officially notifying the respondent that the order is being withdrawn.

Steps in the Process:

1. Prepare and issue the Unilateral Order including penalties and completion of the certificate of service.
2. Respondent submits NOD and requests a stay while settlement discussions occur. Conduct settlement discussions. Reach agreement and issue final order on consent. If agreement cannot be reached, discontinue stay and go to item 4.
3. Respondent submits NOD without intent of conducting settlement discussions. LAFD sends NOD to Office of Administrative Hearings (OAH). OAH assigns an Administrative Law Judge (ALJ) and a hearing is conducted within 90 days. LAFD and respondent may resolve the violations at any time with a Consent Order. An ALJ hears the case and issues a proposed decision. LAFD either concurs, modifies, or rejects decision. Respondent may appeal to Superior Court.
4. Respondent does not submit NOD. Order becomes final after 15 days. Rights to a formal hearing are forfeited.
5. Collect and distribute penalty and assure that compliance tasks are completed.

D. SETTLEMENT DISCUSSIONS/SETTLEMENT AGREEMENT

1. Settlement discussions between LAFD and the respondent can occur at any time in the process. LAFD will encourage settlement discussions whenever possible.
2. LAFD will set a time and place for any settlement discussion meeting and will issue a Consent Order (Form AEO-20) if the agreement is reached. A Consent Order will mandate:
 - a. Compliance with applicable laws;
 - b. Payment of fees and/or costs due to LAFD; and
 - c. Payment to LAFD of any penalty assessed.

E. ADMINISTRATIVE HEARINGS

1. H&SC Section 25404.1.1 (d) allows the respondent to request a hearing on the order within 15 days after service of the order using a NOD (Form AEO-10). The NOD must be filed with LAFD within 15 days of service or postmarked within that 15-day period. If the respondent does not submit NOD within that 15 day period. If the respondent does not submit NOD within the 15 days after service, the order becomes final.
2. LAFD has procedures in place to designate a local hearing officer that are followed after receiving an NOD. The local hearing officer conducts the hearing in accordance with the Administrative Procedures Act (Government Code Section 11400 et seq.).
3. If LAFD receives a NOD within the 15 day time period requesting a hearing before the Office of Administrative Hearings (OAH), it will immediately transmit the NOD to OAH. Form AEO-15 is a cover letter to the presiding ALJ that accompanies an NOD transmitted by LAFD. LAFD will also notify the respondent using Form AEO-14 that a hearing with an ALJ has been scheduled. OAH then has 90 days to hold the hearing. The 90 days may be extended upon mutual agreement (Form AEO-16).
4. LAFD will be represented by counsel during the OAH hearing process. Respondent shall provide Form AEO-19 to LAFD prior to hearing. LAFD and respondent have similar discovery rights and obligations.
5. LAFD will remain in contact with the respondent and offer the opportunity to settle the case prior to the hearing date.
6. After the hearing, the ALJ issues a proposed decision within 30 days to LAFD. LAFD will decide whether to adopt, modify, or reject the proposed decision. To adopt the proposed decision, LAFD served the respondent with a letter, stating that it is adopting the proposed decision.

F. COURT REVIEW

Within 30 days after service of a copy of an Order issued by LAFD, the respondent may file with the Superior Court a Petition for Writ of Mandate for review of the Order. The filing of such Petition for Writ of Mandate does not stay any penalties assessed. Any respondent who fails to file the Petition within this 30-day period may not challenge the Order.

IV. PENALTIES

A. Penalty Maximum and Calculations

Penalty maximums are set forth in statute for the Hazardous Waste, Underground Storage Tank, CalARP, and Business Plan programs. Currently, the penalty calculation procedures are set forth in regulations (CCR Title 22, Section 66272.60-66272.69) for calculating penalties for violation of the hazardous waste

requirements. No corresponding regulatory procedures exist for the other program elements. Please note that in no case can the penalty calculated exceed the statutory maximum for that program element.

1. Statute and Regulations

a. Hazardous Waste

For violations of Health and Safety Code Chapter 6.5, the violator shall be liable for penalties as provided in Section 25189.2 (a-c). Administrative penalties must be assessed following the procedures set forth in regulation (CCR Title 22). The total penalty calculated for any single violation shall not exceed the amount specified in statute; \$25,000 per day, per violation (H&SC Section 25189.2).

b. Underground Storage Tanks

- For violations of H&SC Chapter 6.7, the violator shall be liable for a penalty as provided in Section 25299 (a-c).
- H&SC Section 25299(a) and (b) call for penalties no less than \$500 or no more than \$5,000 per day, per violation, per Underground Storage Tank
- For violations of H&SC 25299(c), the respondent is liable for no more than \$5,000 per day, per violation, per UST.

c. Above Ground Storage Tank Program

For violation of H&SC Section 25270.5, the violator shall be liable for a penalty of not more than \$5,000 for each day on which the violation continues. If the violator commits a second or subsequent violation, a penalty of no more than \$10,000 for each day on which the violation continues may be imposed.

d. Hazardous Materials Release Response Plan Program

- For violation of H&SC Chapter 6.95, Article 2, the violator shall be liable for a penalty consistent with the administrative penalties as described in Section 25514.5.
- H&SC Section 25514.5(a) established a penalty which shall be set by the governing body of the administering agency but no greater than \$2,000 for each day in which the violation occurs. If the violation results in, or significantly contributes to, an emergency, including a fire or health or medical problem requiring toxicological, health, or medical consultation, the business shall also be assessed the full cost of county, city, fire district, local EMS agency designated pursuant to Section 1797.200, or poison control center as defined by Section 11797.97, emergency response, as well as the cost of cleaning up and disposing of the hazardous materials.
- H&SC Section 25514.5(b) establishes an administrative penalty for knowing violation after reasonable notice in an amount that shall be set by the governing body of the administering agency but not greater than \$5,000 for each day in which the violation occurs.

e. California Accidental Release Prevention (CalARP) Program

- For violation of H&SC Chapter 6.95, Article 2, the violator shall be liable for a penalty consistent with the administrative penalties as described in Section 25540 and 25540.5.
- Section 25540(a) establishes penalty of not more than \$2,000 for each day in which the violation occurs. If the violation results in, or significantly contributes to, an emergency, including a fire, the stationary source shall also be assessed the full cost of the county or city emergency response, as well as the cost of cleaning up and disposing of the hazardous materials.
- Section 25540(b) establishes a penalty for knowing violations after reasonable notice in an amount not to exceed \$25,000 for each day in which the violation occurs.

- Section 25540.5 states that any person who violates any rule or regulation, emission limitation, permit condition, order, fee requirement, filling requirement, duty to allow or carry out inspection or monitoring activities, or duty to allow entry, established pursuant to this article and for which delegation has been obtained pursuant to subsections (1) and (2) of Section 112 of the Clean Air Act [42 USC Sections 7412(1) and 7412(2)] is strictly liable for a civil penalty not to exceed \$10,000 for each day in which the violation occurs.

2. Statutory Factors

In establishing a penalty amount and ordering that the violation be corrected pursuant to Section 25404.1.1(b), LAFD will take into consideration the nature, circumstances, extent, and gravity of the violation, the violator's past and present efforts to prevent, abate, or clean up conditions posing a threat to the public health or safety or the environment, the violator's ability to pay the penalty, and the deterrent effect that the imposition of the penalty would have on both the violator and the regulated community.

3. Multi-day Violations

Multi-day penalties are set forth in statute for Hazardous Waste, Underground Storage Tank, Above Ground Storage Tank, CalARP, and Business Plan programs as stated above under statutory and regulatory penalties. Title 22 Section 66272.65 addresses the calculation of multi-day penalties for Hazardous Waste violations. The rationale and process found in these regulations provides for 2% of the penalty calculated for the first day of violation be multiplied by the total number of additional days the violation occurred to arrive at the total multi-day penalty. This penalty amount is then added to the amount calculated for the first day of violation. LAFD has adopted this process to calculate multi-day penalties for the other program elements.

4. Multiple Violations

Calculations of multiple violations for the Hazardous Waste program is found in Title 22 Section 66272.64 LAFD has adopted this process to calculate multiple violation penalties for the other program elements.

5. Multi-Program Violations

Calculation of penalties for violations of multiple program elements within the same order will begin with calculation of initial and multi-day penalties for each program element separately. These penalties will be totaled into a single penalty amount for all violations addressed by that order.

6. Ability to Pay

LAFD considers the respondent's ability to pay the assessed penalty and evaluates the claim of financial hardship based on the financial information provided. A respondent that raises the issue has the burden of providing information to demonstrate financial hardship. LAFD will make the determination of ability to pay on the total penalty assessed in the order for all violations and any reduction will be also made to the total penalty and distributed proportionally to the penalties calculated for the individual program violations.

LAFD will use the US EPA's ABEL model in assessing a business's ability to pay proposed penalties. The following financial information for the most recent three years may be required:

- Tax returns
- Balance sheets
- Income statements

- Statements of operations
- Retained earnings statements
- Loan applications, financing agreements, security agreements
- Annual reports
- Security and exchange filings
- Credit reports

If the respondent refuses to provide the LAFD with the information required to evaluate ability to pay, LAFD will seek the fully calculated penalty amount under the assumption that the respondent can pay.

B. PENALTY DISPOSITION

Pursuant to H&SC Section 25404.1.1(i) all administrative penalties collected will be paid to the LAFD and deposited into a special account that will be expended to fund the activities of the LAFD in enforcing this chapter.

C. CONFIDENTIALITY OF FINANCIAL INFORMATION

A respondent can claim confidentiality for financial information submitted to LAFD. If the responder submits financial information without a confidentiality claim, LAFD may release the information without further notice to the respondent.

Information in published annual reports or other published publicly available documents would not be entitled to confidentiality claim.

LAFD has a procedure in place for securing confidential business information in accordance with H&SC Section 25173 and 22 CCR Section 66260.2 (Hazardous Waste Program); H&SC Section 25511, 25538 and 25506 (a) (Business Plan and CalARP Program); H&SC Records Act (Government Code, Section 6254 (v)).

D. SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP)

LAFD will use its counsel in developing and negotiation the SEPs in accordance with the Cal/EPA guidance.

E. CASE CLOSURE

Final case closure includes collection of all penalties, verification of compliance, and summary reporting.

1. Collection and Accounting for Penalties

Full penalties will be collected and LAFD will implement a system to track payment, payment history and other necessary/required information. Full payment will be required before issuance of a final order in a negotiated settlement.

2. Uncollected Penalties

LAFD will use permit revocation and referral to prosecutorial agency (City Attorney) to pursue uncollected penalties.

3. Verification of Compliance with Order

LAFD will verify compliance with directives mandated by the enforcement order at or near the dates specified in the order by a site visit.

4. Multi-Agency

LAFD will discuss details of collection, penalty tracking and distribution before case closure with the Los Angeles County Fire Department, if applicable. LAFD is a designated agency to collect, track, and distribute penalties for all violations of all CUPA programs.

F. RESPONSE TO NON-COMPLIANCE WITH ORDER

A Final Order may be amended if the respondent requests, and the LAFD agrees that an amendment is appropriate. LAFD will require that this request be substantiated by clear documentation of a need for amendments and description of measures taken to ensure that future amendments are not necessary.

If any respondent is found to be non-compliant with an AEO, the case will be referred to the City Attorney using Form AEO-02 as a checklist.

V. Requirements for Consistency and Coordination

[CCR TITLE 27, SECTION 15170 (K)]

County-wide coordination and consistency

The LAFD CUPA attends local environmental task force meetings. The LAFD CUPA maintains contact with appropriate state and federal agencies to assure that the inspection and enforcement programs are consistent, coordinated and cooperative.

Provisions to encourage joint, combined and integrated/multimedia enforcement whenever possible

The LAFD, their participating agency (Los Angeles County Fire Health/HazMat), and other environmental regulatory State and Federal agencies coordinate enforcement activities to eliminate duplicative enforcement efforts.

Joint enforcement is enforcement of a regulated business, conducted by two or more inspectors representing different Unified Program Agencies within a CUPA.

Combined enforcement is defined as enforcement activities concerning a regulated business by one inspector representing two or more Unified Program elements or other program elements.

Integrated/multi-media enforcement is enforcement involving Unified Program and nonUnified Program agencies and/or involving more than one environmental medium (i.e. air, water, soil) of a regulated business that results in consolidating enforcement.

This Inspection/Enforcement Plan is reviewed annually by the LAFD CUPA and updated as necessary. The LAFD CUPA shall consult with and reach consensus with the participating agency(s) prior to any changes that affect program elements for which the participating agency is responsible.