



Legislation Text

File #: 14-1115, **Version:** 1

Community Development Agency, Environmental Management Division, recommending the Board adopt Resolution **164-2014** to collect the Certified Unified Program Agency annual surcharge on behalf of the State of California, Department of Forestry and Fire Protection, Office of the State Fire Marshal for their administration at the State level of the Aboveground Petroleum Storage Act Program.

Background

Community Development Agency, Environmental Management Division (CDA/EMD), is authorized by the California Environmental Protection Agency (CalEPA) to act as the Certified Unified Program Agency (CUPA). Since the mid-1990's, the Environmental Management Division has been the CUPA for the County consolidating services for hazardous materials under one local agency. The duties of the CUPA include: (1) facilities plan review, and inspection of facilities that store hazardous materials and hazardous waste; (2) review of construction and repairs to, and inspection of, facilities that have underground storage tanks, and that store hazardous materials or hazardous waste; and (3) inspections of facilities that have aboveground storage tanks that store petroleum product. CDA/EMD maintains records of these facilities and hazardous materials stored to fulfill Proposition 65 notification requirements, and to provide information to first responders.

The State of California (State) requires the local CUPA to collect annual surcharges which are used to fund the State agencies which administer, at the State level, the various programs that are regulated by the local CUPA. Effective June 2014, the CalEPA adjusted the Unified Program annual State surcharges, according to the California Health and Safety Code Division 20, Chapter 6.11, Section 25404.5(b) and the California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1, Section 15240, to add a new annual surcharge of twenty-six dollars (\$26.00) for each facility that has an aboveground storage tank(s) that store petroleum, with an aggregate storage capacity of equal to or greater than 1,320 gallons, and that are registered and inspected by the County of El Dorado CUPA. The surcharge will cover the necessary and reasonable costs incurred by the Office of the State Fire Marshall to administer the Aboveground Petroleum Storage Act (APSA) program for the state. According to the California Regulatory Notice Register CUPAs must begin assessing the new surcharge 60 days after the effective date of June 20, 2014.

The County of El Dorado has one hundred-nine (109) facilities that will be impacted by this surcharge. Impacted facilities will be notified and information concerning the annual surcharge will be posted on the CDA/EMD website (Attachment C).

Reason for Recommendation

Effective September 2014, each local CUPA is responsible for assessing and collecting the new APSA State surcharge. The annual APSA surcharge is mandated by the California Health and Safety Code Section 25404.5(b) and California Code of Regulations Section 15240.

Clerk of the Board Follow Up Actions

Upon execution by the Chair, the Board Clerk's Office will forward the Resolution to CDA/EMD for implementation.

Contact

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Concurrences

County Counsel