

ORDINANCE NO. _____

An ordinance amending Table 57.121.2.1; and Sections 57.120.1.1, 57.120.1.3, 57.120.1.4, 57.120.2, 57.120.4.1, 57.120.4.2, 57.120.5, 57.120.5.2, 57.120.5.4, 57.120.5.4.1, 57.120.6, 57.120.6.4.1, 57.120.6.4.3.1, 57.120.6.4.3.2, 57.120.7, 57.121.1, 57.121.2.1, 57.121.2.2, 57.121.2.3, 57.121.3.1, 57.121.31.1.1, 57.121.3.1.2, 57.121.3.1.3, 57.121.3.2, 57.121.3.2.1, 57.121.3.3, 57.121.3.4, 57.121.4, 57.121.5, 57.121.6, 57.121.7, 57.121.8, 57.121.9, and 57.121.2.1 of the Los Angeles Municipal Code to update and make technical changes to provisions relating to the Los Angeles Fire Department Certified Unified Program Agency Program

WHEREAS, the State of California has designated the Los Angeles Fire Department (LAFD) as a Certified Unified Program Agency authorized to enforce statewide standards regarding hazardous waste and materials;

WHEREAS, the provisions of the Los Angeles Municipal Code regarding hazardous waste and materials are outdated and do not reflect the current practices and operational needs of the LAFD's work as a Certified Unified Program Agency; and

WHEREAS, there is currently confusion by both LAFD inspectors and business operators regarding the applicable rules and regulations for hazardous waste and materials.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 57.120.1.1 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

**SEC. 57.120.1.1. HAZARDOUS WASTE GENERATOR, HAZARDOUS WASTE
ONSITE TREATMENT AND HAZARDOUS WASTE RECYCLING PROGRAMS.**

Hazardous waste generator; onsite tiered permitting activities authorized under the permit-by-rule, conditionally authorized, and conditionally exempt tiers; and hazardous waste recycling pursuant to Health and Safety Code Division 20, Chapter 6.5 (Generally supplemented by Division 4.5, Title 22 of the California Code of Regulations).

Sec. 2. Section 57.120.1.3 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.120.1.3. UNDERGROUND STORAGE TANK PROGRAM.

The requirements for the Health and Safety Code Division 20, Chapter 6.7 (commencing with Section 25280) concerning underground storage tanks, except for

the responsibilities assigned to the State Water Resources Control Board pursuant to section 25297.1, the requirements of Division 3 of Title 23 of the California Code of Regulations, and any requirements of Chapter 50 of this code pertaining to underground storage tanks.

Sec. 3. Section 57.120.1.4 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.120.1.4. HAZARDOUS MATERIALS RELEASE RESPONSE PLAN AND INVENTORY PROGRAM.

The requirements of Article 1 (commencing with Section 25500) of the Health and Safety Code Division 20, Chapter 6.95, concerning hazardous material release response plans and inventories, the requirements of Chapter 4 of Division 2 of Title 19 of the California Code of Regulations, and any requirements of Section 121 of this code.

Sec. 4. The following terms are added in alphabetical order to Section 57.120.2 of Article 7, Chapter V of the Los Angeles Municipal Code:

CALIFORNIA ENVIRONMENTAL REPORTING SYSTEM (CERS)

RECYCLABLE MATERIAL

RECYCLED MATERIAL

RECYCLING

Sec. 5. Section 57.120.4.1 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.120.4.1. FILING.

All applications for a unified program facility permit shall be filed with the Department using the California Environmental Reporting System. At the time an application for a permit is filed the application shall be reviewed for completeness for the purposes of this chapter. The Department shall collect established fees pursuant to this chapter.

Sec. 6. Section 57.120.4.2 is amended in its entirety to read as follows:

SEC. 57.120.4.2. CONTENTS OF APPLICATION.

An application for permit required by this section shall, unless otherwise required by the Department, consist of a complete business plan submission through the California Environmental Reporting System.

Sec. 7. Section 57.120.5 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.120.5. PERMITS.

Permits shall conform with Sections 120.5.1 through 120.5.5.

Sec. 8. Section 57.120.5.2 of Article 7, Chapter V of the Los Angeles Municipal Code is deleted in its entirety.

Sec. 9. Section 57.120.5.4 is amended in its entirety to read as follows:

SEC. 57.120.5.4. PERMIT NON-TRANSFERABLE.

No permit shall be transferable.

Sec. 10. Section 57.120.5.4.1 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.120.5.4.1. CHANGE OF LOCATION.

Any change of location for a business, operation, or occupation shall require filing of a new application and payment of the applicable fee(s) set forth in Sections 120.6 through 120.6.4.6.

Sec. 11. Section 57.120.6 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.120.6. UNIFIED PROGRAM FACILITY PERMIT SCHEDULE OF FEES.

Any business subject to the provisions of this section, or any chapter of this code related to the inspection, enforcement, or administration of a Unified Program element, shall pay a fee upon receipt of an associated invoice, and annually thereafter, for the issuance of the Unified Program Facility Permit. The fee shall be computed pursuant to the schedule set forth in this section, to recover the costs to the City for the inspection, enforcement, and for the administration of those provisions by the City of Los Angeles Fire Department, and any other charges required by law.

Sec. 12. Section 57.120.6.4.1 is amended in its entirety to read as follows:

SEC. 57.120.6.4.1. HAZARDOUS WASTE GENERATORS, HAZARDOUS WASTE ON-SITE TREATMENT ACTIVITIES AND HAZARDOUS WASTE RECYCLING.

The fees for the Hazardous Waste Generators, Hazardous Waste Onsite Treatment Activities, and Hazardous Waste Recycling program element will be established by the Certified Unified Program Agency (CUPA) having jurisdiction. If a

Participating Agency (PA) agreement is in place with the CUPA, fees will be established by the PA. If the City of Los Angeles contracts these activities to a PA an additional administrative charge may be applied by the Department for oversight activities related to this program element.

Sec. 13. Section 57.120.6.4.3.1 is deleted in its entirety.

Sec. 14. Section 57.120.6.4.3.2 is deleted in its entirety.

Sec. 15. Section 57.120.7 is amended in its entirety to read as follows:

SEC. 57.120.7. IMPLEMENTATION OF TITLE 23.

Pursuant to Chapter 6.11, and Chapter 6.7, Section 25299.1, of the California Health and Safety Code (HSC), the City of Los Angeles assumes enforcement responsibility for the implementation of Title 23, Division 3, Chapter 16 of the California Code of Regulations (CCR) and Chapter 6.7 of the HSC. Chapter 16 CCR and 6.7 HSC relate to the underground storage of hazardous materials.

Pursuant to Chapter 6.7, Section 25299.2 of the HSC, the Los Angeles Fire Department exercises its right to adopt and enforce underground tank regulations, requirements, or standards of performance that are more stringent than regulations requirements, or standards of performance in effect under Chapter 6.7 with respect to underground storage tanks, if the regulation, requirement, or standard of performance is consistent with Chapter 6.7 HSC.

EXCEPTION: The provisions of these sections shall not include structures such as clarifiers, sumps, separators, storm drains, catch basins, oil field gathering lines, refinery pipelines, intrastate pipelines, lagoons, evaporation ponds, well cellars, separation sumps, lined or unlined pits, above-ground storage tank spill containment areas, or final interceptors in industrial waste pretreatment systems.

Sec. 16. The following term is added in alphabetical order to Section 57.121.1 of Article 7, Chapter V of the Los Angeles Municipal Code:

STANDARD TEMPERATURE AND PRESSURE

Sec. 17. Section 57.121.2.1 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.2.1. UNIFIED PROGRAM FACILITY PERMIT.

Each business that handles a hazardous material or a mixture containing a hazardous material in the City which has a quantity at any one time during the reporting year equal to, or greater than, a total weight of 500 pounds, (227 kg) or a total volume of

55 gallons (208 L), or 200 cubic feet (5.66 m³) at standard temperature and pressure for a compressed gas; or exceeds the applicable federal threshold planning quantity for an extremely hazardous substance specified in Title 40, Code of Federal Regulations, Part 355, Appendix A; or exceeds the permit amounts for hazardous materials in Table 121.2.1, shall file an application for a Unified Program Facility Permit through the California Environmental Reporting System with the proper authorization listed for the Hazardous Materials Release Response Plan and inventory program element, and shall renew the permit annually by completing a business plan submission and payment of the annual permit fee. Application for the Unified Program facility permit with the Hazardous Materials Release Response Plan authorization shall be filed on the first day the business starts handling such substance.

Sec. 18. Section 57.121.2.2 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.2.2. AUTHORIZATION.

A Unified Program Facility Permit shall be valid only for the business designated on the permit by the City. A separate permit shall be required for each business location having a separate street address.

Sec. 19. Section 57.121.2.3 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.2.3. AFFECT ON OTHER LAWS.

The issuance of a Unified Program Facility Permit with the Hazardous Materials Release Response Plan authorization required by this chapter does not authorize or permit the handling of hazardous substances, nor does it except or exempt the holder from compliance with, or affect in any way the applicability of, any other Federal, State, or local law, rule, or regulation governing hazardous substances.

Sec. 20. Section 57.121.3.1 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.3.1. BUSINESS PLANS SHALL INCLUDE.

Business plan shall include, but not be limited to, business activities information, facility owner or operator information, hazardous materials inventory, annotated site map(s), emergency response plan, and employee training plan as required by the California Environmental Reporting System.

Sec. 21. Section 57.121.3.1.1 of Article 7, Chapter V of the Los Angeles Municipal Code is deleted in its entirety.

Sec. 22. Section 57.121.3.1.2 of Article 7, Chapter V of the Los Angeles Municipal Code is deleted in its entirety.

Sec. 23. Section 57.121.3.1.3 of Article 7, Chapter V of the Los Angeles Municipal Code is deleted in its entirety.

Sec. 24. Section 57.121.3.2 of Article 7, Chapter V of the Los Angeles Municipal Code is deleted in its entirety.

Sec. 25. Section 57.121.3.2.1 of Article 7, Chapter V of the Los Angeles Municipal Code is deleted in its entirety.

Sec. 26. Section 57.121.3.3 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.3.3. NOTIFICATION.

Initial submission of the business plan through the California Environmental Reporting System shall be at the time the business begins handling hazardous substances in quantities equal to or greater than the reportable quantities outlined in Section 121.2.1 or within 30 days of notification by the Fire Department.

Sec. 27. Section 57.121.3.4 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.3.4. SUBMISSION AND REVISION OF BUSINESS PLAN.

When it is determined by the Department that a business is subject to requirements of this section or the provisions of the Act, the business shall be notified by the Department. Upon notification, the business shall submit a complete business plan and any other documentation required under the Act through the California Environmental Reporting System (CERS) for review and approval by the Department. The handler shall review the business plan annually, and shall certify to the Department that the review was made and that any necessary changes were made to the plan. Whenever an event outlined in California Health and Safety Code Section 25508.1 occurs, the handler shall update the information in CERS within 30 days of the event.

Sec. 28. Section 57.121.4 of Article 7, Chapter V of the Los Angeles Municipal Code is deleted in its entirety.

Sec. 29. Section 57.121.5 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.5. SPECIAL INSPECTION.

In the event of an emergency, or if a business refuses or fails to disclose all information required by Section 57.120.4 and Section 57.121.3, the Chief may conduct a special inspection at a business site to obtain information deemed necessary by the Chief with respect to the existence and handling of hazardous substances as permitted by law.

Sec. 30. Section 57.121.6 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.6. RECOVERY OF COSTS FOR SPECIAL INSPECTIONS.

A nuisance exists when a business handles a hazardous substance that has not been disclosed through California Environmental Reporting System or as otherwise required by Section 57.121. If a business is not in compliance and a special inspection is needed to obtain information required by Section 57.121 concerning hazardous substances handled by the business, the City, after due notice, may conduct a special inspection and may thereafter recover the costs of the inspection, together with any administrative costs and the fee for issuance of a permit. All costs incurred pursuant to this section shall be a personal obligation against the owner of the business and the owner of the property, jointly and severally, and shall be recoverable by the City in an action before any court of competent jurisdiction. In addition to this personal obligation and all other remedies provided by law, the City may collect any judgment, fee, cost, or charge, including any permit fees, fines, late charges, or interest, incurred in relation to the provisions of this section as provided in LAMC Sections 7.35.1 through 7.35.8.

Sec. 31. Section 57.121.7 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.7. INSPECTION BY THE DEPARTMENT.

At the discretion of the Chief, inspections may be conducted to determine compliance with this section and to cause to be corrected any information which is discovered to be either different from information in the business plan filed in the California Environmental Reporting System or inaccurate concerning the handling of hazardous substances at a business site.

Sec. 32. Section 57.121.8 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.8. PERMIT AND FORM REQUIREMENTS.

Copies of the business plan shall be kept onsite, or an electronic copy shall be made available onsite upon request.

Sec. 33. Section 57.121.9 of Article 7, Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 57.121.9. PUBLIC DISCLOSURE.

Information provided in an application for a Unified Program Facility Permit shall be deemed a public record subject to public inspection and copying pursuant to the California Public Records Act, Section 7920.000 et seq. of the California Government Code, and Division 12 of the Los Angeles Municipal Code, except where the information involved is a trade secret or is otherwise excepted under law from the requirement of public disclosure.

Sec. 34. The following definitions are added in alphabetical order to Section 57.202 of Article 7, Chapter V of the Los Angeles Municipal Code to read as follows:

Business Plan. A separate Hazardous Materials Release Response Plan (HMRRP) and inventory for each facility, site, or branch of a business that meets the requirements of Section 25505 of the Act.

California Environmental Reporting System (CERS). The statewide web-based system that supports the electronic exchange of required Unified Program information among businesses, local governments and the United States Environmental Protection Agency

Recyclable Material. Hazardous waste that is capable of being recycled, including, but not limited to, any of the following:

1. A residue;
2. A spent material, including, but not limited to, a used or spent stripping or plating solution or etchant;
3. A material that is contaminated to such an extent that it can no longer be used for the purpose for which it was originally purchased or manufactured;

4. A byproduct listed in the regulations adopted by the department as “hazardous waste from specific sources” or “hazardous waste from nonspecific sources”; or

5. Any retrograde material that has not been used, distributed, or reclaimed through treatment by the original manufacturer or owner by the later of the following dates:

(a) One year after the date when the material became a retrograde material; or

(b) If the material has been returned to the original manufacturer, one year after the material is returned to the original manufacturer.

Recycled Material. Recyclable material that has been used, reused, or reclaimed, but does not include an intermediate manufacturing process stream.

Recycling. The use, reuse, or reclaiming of a recyclable material.

Standard Temperature and Pressure. 68 degrees Fahrenheit and 1 atmosphere (atm).

Sec. 35. Table 57.121.2.1 is amended in its entirety to read as follows:

HAZARDOUS MATERIALS CLASSIFICATION AND PERMIT AMOUNTS

Hazardous Materials Categories		CUPA PERMIT AMOUNT
P H Y S I C A L H A Z A R D S	1. Explosives and Blasting Agents: <ul style="list-style-type: none"> i. High Explosives ii. Low Explosives iii. Blasting Agents 	Any amount
	2. Compressed Gases <ul style="list-style-type: none"> i. Flammable ii. Oxidizing iii. Corrosive iv. Highly Toxic v. Toxic vi. Inert (Chemically Unreactive) vii. Pyrophoric viii. Unstable (Reactive) 	(*1)

	3. Flammable and combustible liquids	(*1)
	i. Flammable liquids Class I-A, Class I-B, Class I-C ii. Combustible Liquids Class II, Class III-A, Class III-B	
	4. Flammable Solids	100 Pounds
	i. Organic solids ii. Inorganic solids iii. Combustible metals (except dusts and powders) iv. Combustibles dusts and powders (including metals)	
	5. Oxidizers	
	i. Liquids (Gal) ii. Solids (Lbs) Class 4 Class 3 Class 2 Class 1	Any Amount 1 Gallon/10 Pounds 10 Gallons/100 Pounds 55 Gallons/500 Pounds
	6. Organic Peroxides	
	i. Liquids (Gal) ii. Pastes iii. Solids (Lbs) Unclassified Class I Class II Class III. Class IV. Class V.	Any Amount Any Amount Any Amount 1 Gallon/10 Pounds 2 Gallons/20 Pounds 55 Gallons/500 Pounds
	7. Pyrophoric Materials:	

	i. Liquids, ii. Solids	(*1)
	8. Unstable (Reactive) Liquids (Gal); Solids (Lbs) <ul style="list-style-type: none"> i. Class 4 ii. Class 3 iii. Class 2 iv. Class 1 	Any Any 10 Gallons/100 Pounds 55 Gallons/500 Pounds
	9. Water-reactive Liquids (Gal); Solids (Lbs) <ul style="list-style-type: none"> i. Class 3 ii. Class 2 iii. Class 1 	Any 10 Gallons/100 Pounds 55 Gallons/500 Pounds
H E A L T H H A Z A R D S	10. Cryogenic Fluids <ul style="list-style-type: none"> i. Flammable ii. Oxidizing iii. Corrosive iv. Inert v. Highly toxic 	(*1)
	1. Highly toxic and Toxic Materials <ul style="list-style-type: none"> i. Highly toxic Liquids (Gal), Solids (Lbs) ii. Toxic Liquids (Gal), Solids (Lbs) 	(*1)
	2. Radioactive Materials <ul style="list-style-type: none"> i. Common radiation source materials ii. Fissile Materials 	(*1) Any Amount
	3. Corrosive Liquids (Gal); Solids (Lbs) <ul style="list-style-type: none"> i. Acids ii. Bases (alkalis) iii. Other corrosives 	(*1)

	4. Other Health Hazards Liquids (Gal); Solids (Lbs) i. Carcinogens or Suspect carcinogens ii. Target organ toxins iii. Irritants iv. iv. Sensitizers	(*1)
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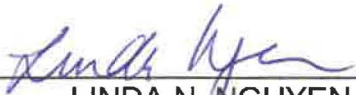
*/: indoor/outdoor

*1: Quantities equal to, or exceeding thresholds stated in Section 25507 of Chapter 6.95 of the California Health and Safety Code shall be reported. Retail exemption stated in California Health and Safety Code section 25507 is not applicable for anything referenced in this Table 57.121.2.1.

Sec. 36. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
LINDA N. NGUYEN
Deputy City Attorney

Date 8/13/24

File No. _____

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____