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September 5, 2023

Honorable Karen Bass
Mayor, City of Los Angeles
Room 303, City Hall
Attn: Legislative Coordinator

Honorable Members of the City Council
City of Los Angeles
City Hall, Room 395
Attn. City Clerk

[BFC 23-075R] – FIRE PREVENTION AND PUBLIC SAFETY BUREAU – CUPA SECTION
NEW ORDINANCE REQUEST AND UPDATES

At its meeting of September 5, 2023, the Board of Fire Commissioners approved the report and its recommendations. The report is hereby transmitted concurrently to the Mayor and City Council for consideration and approval.

Should you need additional information, please contact the Board of Fire Commissioners' office at 213-978-3838.

Sincerely,

Leticia Gómez
Commission Executive Assistant II

Attachments

cc: Fire Chief Kristin Crowley (via email)

LOS ANGELES FIRE DEPARTMENT



KRISTIN M. CROWLEY
FIRE CHIEF

APPROVED: 9/5/23
BOARD OF FIRE COMMISSIONERS
BY: *[Signature]*
COMMISSION EXECUTIVE ASSISTANT

August 14, 2023

BOARD OF FIRE COMMISSIONERS
FILE NO. 23-075R

TO: Board of Fire Commissioners

FROM: *[Signature]* Kristin M. Crowley, Fire Chief

SUBJECT: FIRE PREVENTION AND PUBLIC SAFETY BUREAU - CUPA
SECTION NEW ORDINANCE REQUEST AND UPDATES

FINAL ACTION:	<input checked="" 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 Withdrawn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 Los Angeles City Fire Department (LAFD) Certified Unified Program Agency (CUPA) regulates hazardous materials, underground storage tanks (UST), and above ground storage tanks (AST) in the City of Los Angeles. The purpose of the proposed new and/or revised ordinances is to streamline enforcement, eliminate inefficiencies, and keep up with technological advancement. The proposed changes will assist facility owners and realign the CUPA program with state legislation under the Health and Safety Code (HSC).

RECOMMENDATIONS

That the Board:

1. Approve the proposed amendments and additions to the Los Angeles City Fire Code (Fire Code) sections regarding CUPA requirements.
2. Transmit this report concurrently to the Mayor's Office and the City Council for approval and request that the City Council direct the City Attorney to draft ordinances adding and/or amending provisions of the Fire Code – which are contained in the Los Angeles Municipal Code (LAMC), Chapter 5, Article 7 – to update and streamline regulations and requirements for the operation of the LAFD's CUPA program.

DISCUSSION

The LAFD CUPA is proposing the following changes to the Fire Code:

1. Create a new ordinance that would require a 7-day minimum timeframe for business owners or operators to notify LAFD CUPA in advance of testing,

maintenance, repairs, or annual certifications. Title 23 California Code of Regulations (CCR) Sections 2637, 2638, 2643, and 2644.1 currently require business owners or operators to provide such notification to the CUPA at least 48 hours in advance. The CUPA is requesting a new ordinance that would require owners/operators to provide notification at least 7 days in advance to improve scheduling efficiencies for CUPA inspectors and business owners.

2. Create a new ordinance that would require businesses to electronically submit UST test results in the California Environmental Reporting System (CERS). Currently, state law permits facilities to submit documentation or information by hand delivery, US mail, facsimile, or email, “unless otherwise directed by the agency that will receive the submittal” (23 CCR Section 2611). This new ordinance would require businesses to submit test results electronically and eliminate other options (i.e., US mail, facsimile). This change will allow the CUPA to centralize documentation flow, eliminate document loss and extended lead times, and improve consistency and efficiency across the board.
3. Create a new ordinance establishing emergency or off-hour inspection and expedited document review processes and fee structures, and approve fee studies for said fee structures. Currently, LAFD CUPA lacks the ability to charge for emergency or off-hour inspections and expedited document reviews. Documents include but are not limited to: UST Plans and Permit Applications, UST Removal Reports, Business Initiated Site Assessments, Site Assessment and Limited Excavation Reports. This new ordinance would provide facilities with options to request inspections outside of regular work hours due to operational necessity and to expedite projects when necessitated by unforeseen circumstances that would otherwise cause a stop work order and/or significant financial losses.
4. Amend Section 121.3.4 of the Los Angeles Fire Code to require businesses to submit their business plan into CERS annually. LAFD CUPA wishes to update the Fire Code’s existing annual requirement language to clarify that hazardous materials handlers under LAFD CUPA jurisdiction shall continue to submit and/or certify annually, despite a recent change in HSC Section 25508 which requires submission every three (3) years for certain handlers. The amendment would allow the program to provide the most recent and accurate information to first responders.
5. Amend Table 121.2.1 of the Los Angeles Fire Code (see Table 1 attached). Currently, the Fire Code requires businesses that store and handle certain hazardous materials in quantities lower than state reporting thresholds to submit their hazardous materials inventory annually. The LAFD CUPA is requesting to amend Table 121.2.1 to bring the Fire Code into closer alignment with state requirements. Quantities below the

recommended limits outlined in the attached table pose minimal safety risk and should not require notification to CUPA. This change will relieve the burden for unnecessary permitting and billing on businesses with limited amounts of certain hazardous materials that do not exceed thresholds established under state law. It will also reduce the administrative burden on the CUPA to review and permit facilities that have small quantities of hazardous materials that pose a minimal risk to our first responders and the environment.

6. Amend Section 121.3.5 of the Los Angeles Fire Code to apply the Late Submission Penalty to the other four elements in the Unified Program. Those elements include Aboveground Petroleum Storage Act (APSA) Program, California Accidental Release Prevention (CalARP) Program, Underground Storage Tank (UST) Program, and Hazardous Waste Generator Program. Currently, there exists a Late Submission Penalty only for the Hazardous Materials Business Plan (HMBP) Program. This amendment will assist the LAFD CUPA in maintaining compliance in other CUPA programs that require submission of documentation in CERS and maintaining alignment with state mandates and standards.
7. Create a new ordinance for a second or greater onsite or offsite re-inspection fee for confirmation of compliance. This new ordinance would allow the LAFD CUPA to charge facilities that do not comply with issued violations and require a second or greater follow-up inspection to confirm compliance a fee using the hourly inspector salary rate multiplied by the number of hours expended on reinspections with a 1-hour minimum. The State encourages CUPAs to provide progressive enforcement for businesses that are noncompliant. The CUPA is evaluated by the State on a triennial basis and a significant portion of the evaluation focuses on the effectiveness of enforcement. LAFD CUPA currently uses procedures such as administrative enforcement hearings, referrals to the City Attorney's Office, red tagging equipment and late submittal penalties to comply with State enforcement mandates.
8. Implement CUPA-related changes to the Fire Code outlined in Table 2 (attached). This table outlines technical and non-controversial modifications and removals of outdated language in the Fire Code to reflect current policies and operational practices within the CUPA. These changes will address inaccurate or unnecessary information and reduce confusion for both inspectors and the business operators.
9. Create new ordinances to allow for enforcement of other CUPA program elements in addition to the UST program. Currently, Section 120.7 of the Fire Code gives the LAFD authority to enforce Title 23, Division 3, Chapter 16 of the CCR pursuant to Chapter 6.7 of the HSC. This enforcement authority covers only the UST program which is one of five program elements enforced by the LAFD CUPA. Creation of new ordinances will

establish enforcement authority for the APSA Program, HMRRP and Inventory Program, CalARP Program, and Hazardous Waste Generator and On-Site Treatment Program elements.

Enforcement authority for the APSA Program will be based on HSC Chapter 6.67. Enforcement authority for the HMRRP and Inventory Program will be based on HSC Chapter 6.95, Sections 25500-25519 and California Code of Regulations (CCR) Title 19, Division 2, Chapter 4. Enforcement authority for the CalARP Program will be based on HSC Chapter 6.95, Sections 25531-25543.3 and CCR Title 19, Division 2, Chapter 4.5. Lastly, enforcement authority for the Hazardous Waste Program will be based on HSC Chapter 6.5 and Chapter 6.11 and CCR Title 22, Division 4.5.

FISCAL IMPACT

There is no negative fiscal impact or outlay. All revenue collected will offset inspector time and activity for facilities that are out of compliance or require a reinspection. No additional funds will be necessary to implement any of the above requested changes.

CONCLUSION

The above recommendations for additions and amendments to the Fire Code are concurrent and/or more stringent than the current State requirements. The Fire Code is updated on a tri-annual cycle; however, the sections relating to the CUPA have not been updated for multiple years. The requested changes are concurrent with or exceed statewide program standards, and will assist the business community and the CUPA with compliance and efficiency.

Board Report prepared by Dan Dragotto, Captain II, CUPA Section, Fire Prevention & Public Safety Bureau.

**TABLE 1. CHANGES TO LA FIRE CODE TABLE 121.2.1
HAZARDOUS MATERIALS CLASSIFICATION AND PERMIT AMOUNTS**

<i>Hazardous Materials Categories</i>		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) 	200 Cu Feet(*1) 200 Cu Feet(*1) Any Amount(*1) Any Amount(*1) Any Amount(*1) 200 Cu Feet(*1) Any Amount(*1) Any Amount(*1)
	1. Flammable and combustible liquids <ul style="list-style-type: none"> i. Flammable liquids Class I-A, Class I-B, Class I-C ii. Combustible Liquids Class II, Class III-A, Class III-B 	*5/10 Gallons(*1) *25/55 Gallons(*1)

<p>4. Flammable Solids</p> <ul style="list-style-type: none"> i. Organic solids ii. Inorganic solids iii. Combustible metals (except dusts and powders) iv. Combustibles dusts and powders (including metals) 	<p>100 Pounds</p>
<p>5. Oxidizers</p> <ul style="list-style-type: none"> ii. Liquids (Gal), iii. Solids (Lbs) Class 4 Class 3 Class 2 Class 1 	<p>Any Amount 1 Gallon/50 Pounds(10LBS) 10 Gallons/100 Pounds 55 Gallons/500 Pounds</p>
<p>6. Organic Peroxides</p> <ul style="list-style-type: none"> i. Liquids (Gal), ii. Pastes, iii. Solids (Lbs) Unclassified Class I Class II Class III. Class IV. Class V. 	<p>Any Amount Any Amount Any Amount 1Gallons/10 Pounds 2 Gallons/20 Pounds 55 Gallons/500 Pounds</p>
<p>7. Pyrophoric Materials:</p> <ul style="list-style-type: none"> i. Liquids, ii. Solids 	<p>Any Amount(*1)</p>
<p>8. Unstable (Reactive) Liquids (Gal); Solids (Lbs)</p> <ul style="list-style-type: none"> i. Class 4 ii. Class 3 iii. Class 2 iv. Class 1 	<p>Any Any 10Gallons/100 Pounds 55Gallons/500 Pounds</p>

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

*/: indoor/outdoor

*1=Quantities equal to, or exceeding thresholds stated in HSC Chapter 6.95 Section 25507 shall be reported. Retail exemption stated in HSC 25507 is not applicable for anything referenced in this chart.

TABLE 2. PROPOSED CUPA-RELATED CHANGES TO FIRE CODE

Section	Before Change (Current Language)	After Change (Proposed Language)	Reason for Change
120.1.1	<p>Hazardous Waste Generator and hazardous waste onsite treatment programs. Hazardous waste generator and onsite tiered permitting activities authorized under the permit-by-rule, conditionally authorized, and conditionally exempt tiers pursuant to <i>Health and Safety Code</i> Division 20, Chapter 6.5 (Generally supplemented by Division 4.5, Title 22 of the <i>California Code of Regulations</i>).</p>	<p>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 <i>Health and Safety Code</i> Division 20, Chapter 6.5 (Generally supplemented by Division 4.5, Title 22 of the <i>California Code of Regulations</i>).</p>	<p>MODIFY to align with actual activities required by <i>Health and Safety Code</i> Division 20, Chapter 6.5</p>
120.1.3	<p>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, and any requirements of Chapter 50 of this code pertaining to underground storage tanks.</p>	<p>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 <i>California Code of Regulations</i>, and any requirements of Chapter 50 of this code pertaining to underground storage tanks.</p>	<p>MODIFY to add regulation.</p>
120.1.4	<p>Hazardous materials release response plan and inventory program. The requirements of Article 1 (commencing with Section 25501) of the Health and Safety Code Division 20, Chapter 6.95 concerning hazardous material release response plans and inventories and any requirements of Section 121 of this code.</p>	<p>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 <i>California Code of Regulations</i>, and any requirements of Section 121 of this code.</p>	<p>MODIFY to correct section number and add regulation.</p>
120.2	<p>Definitions. The following terms are defined in Chapter</p>	<p>Definitions. The following terms are defined in Chapter</p>	<p>MODIFY added definitions for California Environmental</p>

2. ABOVE GROUND STORAGE TANKS SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) PLAN AUTHORIZATION. BUSINESS. CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM (CALARP). CERTIFIED UNIFIED PROGRAM AGENCY OR CUPA. HAZARDOUS MATERIALS RELEASE RESPONSE PLAN (HMRRP) AND INVENTORY PROGRAM. HAZARDOUS WASTE GENERATORS AND HAZARDOUS WASTE ONSITE TREATMENT PROGRAMS. PARTICIPATING AGENCY OR PA. UNDERGROUND STORAGE TANK (UST) PROGRAM. UNIFIED PROGRAM FACILITY. UNIFORM FIRE CODE HAZARDOUS MATERIALS MANAGEMENT PLAN (HMMP).

2. ABOVE GROUND STORAGE TANKS SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) PLAN AUTHORIZATION. BUSINESS. CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM (CALARP). CALIFORNIA ENVIRONMENTAL REPORTING SYSTEM (CERS). CERTIFIED UNIFIED PROGRAM AGENCY OR CUPA. HAZARDOUS MATERIALS RELEASE RESPONSE PLAN (HMRRP) AND INVENTORY PROGRAM. HAZARDOUS WASTE GENERATORS AND HAZARDOUS WASTE ONSITE TREATMENT PROGRAMS. RECYCLABLE MATERIAL. RECYCLED MATERIAL. RECYCLING. PARTICIPATING AGENCY OR PA. UNDERGROUND STORAGE TANK (UST) PROGRAM. UNIFIED PROGRAM FACILITY. UNIFIED PROGRAM FACILITY PERMIT. UNIFORM FIRE CODE HAZARDOUS MATERIALS MANAGEMENT PLAN (HMMP).

Reporting System (CERS) and recyclable material, recycled material, and recycling.

<p>120.4.1</p>	<p>Filing. All applications for a permit shall be filed with the Department, and shall be in writing on forms provided by the Department. At the time an application for a permit is filed, the Department shall collect the established fees pursuant to this chapter. All applications shall be reviewed for completeness and acceptability for the purposes of this chapter.</p>	<p>Filing. All applications for a unified program facility permit shall be filed with the Department using the California Environmental Reporting System (CERS). At the time an application for a permit is filed all applications shall be reviewed for completeness and acceptability for the purposes of this chapter. The Department shall collect established fees pursuant to the implementation of this chapter.</p>	<p>MODIFY to remove the requirement for unified program facility permit applications to be completed in writing, as the CUPA unit currently uses CERS to permit and confirm new businesses.</p>
<p>120.4.2</p>	<p>Contents of application. Applications for permits required by this section shall, unless otherwise required by the Department, contain a completed Los Angeles Fire Department Unified Program application packet, provided by the Department.</p>	<p>Contents of application. Applications for permit required by this section shall, unless otherwise required by the Department, consist of a complete business plan submission through CERS.</p>	<p>MODIFY to remove outdated language and clarify requirements for unified program facility permit application in CERS.</p>
<p>120.5</p>	<p>Permits. Permits shall conform with Sections 120.5.1.1 through 120.5.1.2.</p>	<p>Permits. Permits shall conform with Sections 120.5.1 through 120.5.5.</p>	<p>MODIFY to correct section numbers. ***Revise to 120.5.2 through 120.5.4 if next section is removed.***</p>
<p>120.5.2</p>	<p>Permits—form. Each permit shall be issued in accordance with the provisions of this Section and shall set forth upon the face thereof the following:</p> <ol style="list-style-type: none"> 1. The name of the person to whom issued. 2. The name of said business 3. The address where the premises are located and where the address is different from that of the applicant, the address designated by the applicant or his or her authorized agent for mailing purposes. The mailing address so appearing shall be the address to which all notices required or authorized by this article shall be sent unless the applicant or permittee shall request in writing that another address be used for such purposes. 4. The signature of the Chief printed thereon. 	<p>REMOVE</p>	<p>REMOVE to remove requirements of what the CUPA unit must include on the face of a permit. This is outdated, as the permits have changed substantially. If we include anything we can reference Health and Safety Code for CUPA permit requirements.</p>

	<p>5. The date of expiration of the permit and the date upon which the annual permit fee shall be due and payable.</p> <p>6. A list of the Unified Program elements authorized at the facility.</p>		
120.5.4	<p>Transfer of permit. No permit shall be transferable except when the business, operation, occupation, or premises for which the permit is issued is transferred, whether by sale or otherwise, to another person under such circumstances that the ownership after the transfer is substantially similar to the ownership existing before the transfer.</p>	<p>Transfer of permit. No permit shall be transferable.</p>	<p>MODIFY The CUPA does not transfer permits.</p>
120.5.4.1	<p>Change of location. Any change of location for a business, operation, occupation, or premises shall require filing of a new application and payment of the applicable fee(s) set forth in Sections 120.6 through 120.6.4.5.</p>	<p>Change of location. Any change of location for a business, operation, occupation, or premises 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.</p>	<p>MODIFY Updated to change the sections being referred to.</p>
120.6	<p>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, 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.</p>	<p>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, 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.</p>	<p>MODIFY Updated to change the time that the initial fee is paid.</p>
120.6.4.1	<p>Hazardous Waste Generators and Hazardous Waste On-site Treatment Activities. The fees for the Hazardous Waste Generators and Hazardous Waste Onsite Treatment Activities program</p>	<p>Hazardous Waste Generators, Hazardous Waste On-site Treatment Activities and Hazardous Waste Recycling. The fees for the Hazardous Waste Generators, Hazardous</p>	<p>MODIFY to make it more general. The City is currently looking to take this program</p>

	<p>element will be established by the Los Angeles County Fire Department Health Hazardous Materials Division, and reviewed and approved by the Los Angeles County Board of Supervisors, for the inspection and enforcement activities associated with this program element. The Los Angeles County Fire Department is a participating agency to the City of Los Angeles Fire Department for the inspection and enforcement activities associated with this program element. An additional administrative charge may be applied by the Department for oversight activities relative to this program element.</p>	<p>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.</p>	<p>back from the County of Los Angeles.</p>
<p>120.6.4.3.1</p>	<p>Total volume. If the total volume of each type of lubricating oil handled at a single business facility is below 55 gallons (208 L), but the total volume of all types of lubricating oil handled at that facility exceeds 275 gallons (1041 L) at any one time, each type of lubricating oil shall be subject to disclosure and business plan requirements. For the purposes of this paragraph, “Lubricating oil” means any oil intended for the use in an internal combustion crankcase, or the transmission, gearbox, differential, or hydraulic system of an automobile, bus, truck, vessel, plane, heavy equipment, or other machinery powered by an internal combustion or electric powered engine. The term “Lubricating oil” does not include used oil, as defined in Subdivision (a) of Section 25250.1 of the <i>Health and Safety Code of the State of California</i>.</p>	<p>REMOVE</p>	<p>REMOVE</p> <p>HSC 25507(b)(3)(A) references the intent of the code. Whatever was intended at the time it was added is no longer enforced or needed.</p>
<p>120.6.4.3.2</p>	<p>Physicians, dentists, podiatrists, veterinarians or pharmacists. Physicians, dentists, podiatrists, veterinarians or pharmacists who maintain oxygen or nitrous oxide at their offices or places of business in quantities of not more than 1,000 cubic feet (28 m³) of each substance at any one time shall</p>	<p>REMOVE</p>	<p>REMOVE</p> <p>HSC 25507(a)(5)(B) references the intent of the code. Whatever was intended at the time it was added is no</p>

	<p>be exempt from fee calculations with respect to such substances.</p>		<p>longer enforced or needed. No fees are charged if this business is exempt from reporting.</p>
<p>120.7</p>	<p>Implementation of Title 23. Pursuant to Chapter 6.11., and Chapter 6.7., Section 25299.1., of the California Health and Safety Code (CHSC), 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 CHSC. Chapter 16 CCR and 6.7 CHSC relate to underground storage of hazardous materials.</p> <p>Pursuant to Chapter 6.7, Section 25299.2 of the CHSC, the Los Angeles Fire Department executes 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 CHSC.</p> <p>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.</p>	<p>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.</p> <p>Pursuant to Chapter 6.7, Section 25299.2 of the HSC, the Los Angeles Fire Department executes 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.</p> <p>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.</p>	<p>MODIFY to correct the way HSC is referenced. Changed from CHSC to HSC.</p>

<p>121.1</p>	<p>Definitions. The following terms are defined in Chapter 2. ACT—CHAPTER 6.95, ARTICLE 1. BUSINESS PLAN. CERTIFICATION STATEMENT. COMMON NAME. EXTREMELY HAZARDOUS SUBSTANCE (EHS). HANDLER. HANDLER. ON-SITE MANAGER. OWNER OF BUSINESS. PROPERTY OWNER. RELEASE. SIC CODE. THREATENED RELEASE. TRADE SECRET.</p>	<p>Definitions. The following terms are defined in Chapter 2. ACT—CHAPTER 6.95, ARTICLE 1. BUSINESS PLAN. CERTIFICATION STATEMENT. COMMON NAME. EXTREMELY HAZARDOUS SUBSTANCE (EHS). HANDLER. HANDLER. ON-SITE MANAGER. OWNER OF BUSINESS. PROPERTY OWNER. RELEASE. STANDARD TEMPERATURE AND PRESSURE. SIC CODE. SUBSTANTIAL CHANGE. THREATENED RELEASE. TRADE SECRET</p>	<p>MODIFY Added Standard Temperature and Pressure definition per EPA (68°F and 1 atm).</p>
<p>121.2.1</p>	<p>Unified Program Facility Permit. Each business that handles or intends to handle 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 (566 m3) at standard temperature and pressure for a compressed gas; or exceeds the applicable federal threshold quantity for an extremely hazardous substance specified in Title 40, <i>Code of Federal Regulations</i>, Part 355, Appendix A; or exceeds the permit amounts for hazardous materials in Table 121.2.1, shall file an application for, and obtain a Section 120 Unified Program facility permit with the proper authorization listed for the Hazardous Materials</p>	<p>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 (566 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, <i>Code of Federal Regulations</i>, 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 CERS with the proper</p>	<p>MODIFY Change the wording of requiring an application to file and application for permit through CERS to be more consistent with the process we use.</p>

	<p>Release Response Plan (HMRRP) and inventory program element as required by this section. Existing Unified Program facilities with existing authorizations for other Unified Program elements, shall file an application to amend their existing Section 120 Unified Program facility permit to include the HMRRP authorization. Section 120 Unified Program facility permits with HMRRP authorizations shall be obtained on or before the first day the business starts handling such substance and shall be renewed annually.</p>	<p>authorization listed for the Hazardous Materials Release Response Plan (HMRRP) and inventory program element as required by this section, 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 HMRRP authorization shall be filed on the first day the business starts handling such substance.</p>	
<p>121.2.2</p>	<p>Authorization. A Section 120 Unified Program Facility Permit with the HMRRP authorization 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.</p>	<p>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.</p>	<p>MODIFY to remove unnecessary language.</p>
<p>121.2.3</p>	<p>Affect on other laws. The issuance of a Section 120 Unified Program Facility Permit with the HMRRP authorization required by this chapter does not authorize or permit the handling of hazardous substances, nor does it 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.</p>	<p>Affect on other laws. The issuance of a Unified Program Facility Permit with the HMRRP authorization required by this chapter does not authorize or permit the handling of hazardous substances, nor does it exempt or affect 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.</p>	<p>MODIFY to remove unnecessary language.</p>

121.3.1	<p>Business plans shall include. Business plans shall include, but not be limited to, the information listed in Sections 121.3.1.1 through 121.3.1.3.</p>	<p>Business plans shall include. Business plans 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 in CERS.</p>	<p>MODIFY to streamline the fire code and reduce the duplicate information in the health and safety code. Everything is referenced in the Health and Safety code already.</p>
121.3.1.1	<p>Inventory. The annual inventory form shall include, but shall not be limited to, information on all of the following which are handled in quantities equal to or greater than the quantities specified in this section or the Act. [Includes sub-items 1 through 7]</p>	<p>REMOVE</p>	<p>REMOVE because it does not include all the requirements of the health and safety code. The health and safety code is already referenced accordingly.</p>
121.3.1.2	<p>Emergency response plans and procedures. The business plan shall include the following emergency response procedures for a release or threatened release of hazardous materials, which shall be reasonable and appropriate for the size and nature of the business, the nature of the damage potential of the hazardous materials handled, and the proximity of the business to residential areas and other populations: [Includes sub-items 1 through 5]</p>	<p>REMOVE</p>	<p>REMOVE because it does not include all the requirements of the health and safety code. The health and safety code is already referenced accordingly.</p>
121.3.1.3	<p>Training. The business plan shall include a training program which shall be reasonable and appropriate for the size of the business and the nature of the hazardous materials handled. The training program shall take into consideration the responsibilities of the employees to be trained. The training program shall, at a minimum, include:</p> <ol style="list-style-type: none"> 1. Methods for safe handling of hazardous materials; 	<p>REMOVE</p>	<p>REMOVE because it does not include all the requirements of the health and safety code. The health and safety code is already referenced accordingly.</p>

	<p>2. Procedures for coordination with local emergency response organizations;</p> <p>3. Use of emergency response equipment and supplies under the control of the handler; and</p> <p>4. The business plan shall include provisions for ensuring that appropriate personnel receive initial and refresher training.</p>		
121.3.2	<p>Requirement to submit a hazardous materials inventory. Businesses which are required to comply with the permit requirements set forth in Section 121.2.1 shall be required to submit a hazardous materials inventory as indicated in Section 121.3.1.1.</p>	<p>REMOVE</p>	<p>REMOVE because it does not include all the requirements of the health and safety code. The health and safety code is already referenced accordingly.</p>
121.3.2.1	<p>Requirement to submit a hazardous materials inventory. Businesses which are required to comply with the permit requirements set forth in Section 121.2.1 may be required to submit a business plan as indicated in Section 121.3.1.2.</p>	<p>REMOVE</p>	<p>REMOVE because it does not include all the requirements of the health and safety code. The health and safety code is already referenced accordingly.</p>
121.3.3	<p>Notification. Initial submission of the business plan shall be within 30 days of notification by the Fire Department or within 30 days of the establishment of the business, whichever is sooner.</p>	<p>Notification. Initial submission of the business plan through CERS shall be at the time the business begins handling hazardous substances in quantities equal to or greater than those or within 30 days of notification by the Fire Department.</p>	<p>MODIFY Updated to better reflect current operations.</p>
121.3.4	<p>Submission 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 so notified by the Department. Upon notification, the business shall transmit to the Department a complete business plan and any other documentation required under the Act, as directed by the Department, in a format prescribed by the Department, for review and approval by the</p>	<p>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 CERS for review and approval by the Department. The handler shall review the</p>	<p>MODIFY Updated to change how the department is currently operating, add annual requirement, and reference the Health and Safety Code.</p>

	<p>Department. The handler shall review the business plan as required by the Act, and shall certify to the Department that the review was made and that any necessary changes were made to the plan. Whenever a substantial change in the handler's operations occurs which requires a modification of its business plan, the handler shall submit a copy of the plan revisions to the Department within 30 days of the operational change.</p>	<p>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 HSC Section 25508.1 occurs, the handler shall update the information in CERS within 30 days of the event.</p>	
<p>121.4</p>	<p>Amendments to Hazardous Materials Inventory Form. A business which has filed a Hazardous Materials Inventory Form shall file an amendment to the form with the Department before:</p> <ol style="list-style-type: none"> 1. The business handles a hazardous substance not previously listed on the Form on file with the Department; or 2. The business handles quantities of a hazardous substance which exceed the maximum quantities previously indicated on the form on file with the Department; or 3. There is a change in the mode or place of storage of hazardous substances from that indicated on the form on file with the Department such that continued reliance on the information already contained in the form on file could pose a threat to the environment or to the health or safety of individuals. <p>In addition to the above requirement, all businesses which are required to submit a Hazardous Materials Inventory Form shall submit an annual inventory or a certification statement. An amendment submitted during the year to report changes in inventory fulfills the annual submittal requirement provided that the amendment contains</p>	<p>REMOVE</p>	<p>REMOVE because it is already addressed in 121.3.4</p>

	<p>the entire inventory, including those items which have not changed.</p>		
<p>121.5</p>	<p>Special inspection. In the event of an emergency, or if a business refuses or fails to disclose in a timely manner all information required by Section 120.4, and by Section 121.3 or Section 121.4, 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.</p>	<p>Special inspection. In the event of an emergency, or if a business refuses or fails to disclose in a timely manner all information required by Section 120.4 and Section 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.</p>	<p>MODIFY to remove section (section 121.4).</p>
<p>121.6</p>	<p>Recovery of costs for special inspections. A nuisance exists when a business handles a hazardous substance that has not been disclosed on a hazardous materials and hazardous waste inventory form or as otherwise required by Section 121. If a business is not in compliance and a special inspection is needed to obtain information required by Section 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 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.</p>	<p>Recovery of costs for special inspections. A nuisance exists when a business handles a hazardous substance that has not been disclosed through CERS or as otherwise required by Section 121. If a business is not in compliance and a special inspection is needed to obtain information required by Section 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</p>	<p>MODIFY to change hazardous materials and hazardous waste inventory form to CERS.</p>

121.7	<p>Inspection by the Department. At the discretion of the Chief, inspections may be conducted for the purpose of determining compliance with this section and to cause to be corrected any information which is discovered to be either different from information in the application for a permit or HMRRP authorization or any amendment to the hazardous materials and hazardous waste inventory form filed with the City, or inaccurate, concerning the handling of hazardous substances at a business site.</p>	<p>provided in LAMC Sections 7.35.1 through 7.35.8.</p> <p>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 CERS or inaccurate concerning the handling of hazardous substances at a business site.</p>	<p>MODIFY to update application and inventory form to CERS.</p>
121.8	<p>Permit and form requirements. Copies of all Hazardous Materials Inventory Forms shall be maintained at the business site for a period of not less than 3 years and shall be made available to the Chief upon request.</p>	<p>Permit and form requirements. Copies of the business plan shall be kept onsite, or an electronic copy shall be made available onsite upon request.</p>	<p>MODIFY to replace Hazardous Materials Inventory Forms with business plan and update the language to reflect current practice.</p>
121.9	<p>Public disclosure. Information provided in an application for HMRRP authorizations shall be deemed a public record subject to public inspection and copying pursuant to the CPRA Act, Section 6250 et seq. of the Government Code of the State of California, and Division 12 of the LAMC, except where the information involved is a trade secret or is otherwise exempted under law from requirement of public disclosure.</p>	<p>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 CPRA Act, Section 6250 et seq. of the Government Code of the State of California, and Division 12 of the LAMC, except where the information involved is a trade secret or is otherwise exempted under law from requirement of public disclosure.</p>	<p>MODIFY to change HMRRP authorization to Unified Program Facility Permit because that is what the application is for.</p>
202	<p>BUSINESS PLAN. A separate Hazardous Materials Release Response Plan (HMRRP) and inventory for each facility, site, or branch of a business which meets the requirements of Section 25504 of the Act.</p>	<p>BUSINESS PLAN. A separate Hazardous Materials Release Response Plan (HMRRP) and inventory for each facility, site, or branch of a business which meets the requirements of Section 25505 of the Act.</p> <p>CALIFORNIA ENVIRONMENTAL REPORTING SYSTEM (CERS). The statewide web-based system that supports the</p>	<p>MODIFY to revise section number and add definitions.</p>

		<p>electronic exchange of required Unified Program information among businesses, local governments and the U.S. EPA.</p> <p>RECYCLABLE MATERIAL. (**Use definition in HSC 25120.5**)</p> <p>RECYCLED MATERIAL. (**Use definition in HSC 25121**)</p> <p>RECYCLING. (**Use definition in HSC 25121.1**)</p> <p>STANDARD TEMPERATURE AND PRESSURE. Defined as 68°F and 1 atmosphere (atm) per EPA.</p>	
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