

**ASSEMBLY ESTM INFORMATIONAL HEARING ON UNIFIED PROGRAM  
JUNE 14, 2016**

Randy Sawyer, CCPSP  
Contra Costa County Chief Environmental Health and Hazardous Materials Officer  
CUPA Forum Board Member

Jason Boetzer, REHS  
Calaveras County Environmental Management Agency Administrator  
Director of Environmental Health/Air Pollution Control Officer  
CUPA Forum Board Member

In 1993 the State Legislature passed SB 1082 that brought six hazardous material programs under one local agency per jurisdiction. Prior to SB 1082, there were many different agencies implementing the different programs with a duplication of efforts for the agencies and the businesses. There was a 75% decrease in the number of agencies implementing the programs after the passage of SB 1082.

The local agencies implementing these programs were certified by CalEPA in 1997 and are Certified Unified Program Agencies (CUPA). There are also Participating Agencies that work with the CUPAs in implementing the programs. There are approximately 160,000 facilities in the Unified Program. Prior to SB 1082, there were 17,000 hazardous material program inspections performed per year. The number of facility program inspections performed over the past 3 years is 241,600 and over the past year 82,500 inspections were performed.

There was a reduction on the number hazardous material injuries per 1,000 emergencies from 21.8 in 2001 to 0.05 in 2008, which is a 99.8% reduction. There was also a 75% decrease of reported ammonia and chlorine releases from 1998 to 2005.

The Hazardous Material Unified Program includes the following programs and overseen by the state agencies shown in parenthesis:

- Hazardous Materials Release Response Plans and Inventories (Office of Emergency Services) and Hazardous Material Management Plan and Hazardous Material Inventory Statements (Office of the State Fire Marshal)
  - Submittal of hazardous material inventories
  - Covers facilities from petroleum refineries to dry cleaners to farms
  - Information used for emergency response and Right to Know
- Hazardous Waste Generator Program (Department of Toxic Control Substances)
  - Oversee the handling, treatment, and disposal of hazardous waste
  - Includes businesses from petroleum refineries to auto repair shops and farms
- Aboveground Petroleum Storage Act (Office of the State Fire Marshal)
  - Storage of petroleum products in aboveground tanks
  - Large oil depots, emergency generators in buildings, to farms
- Underground Storage Tanks (State Water Quality and Resources Board)
  - Storage of hazardous materials in underground tanks
  - Mostly gasoline station and also include fire departments and other locations that store fuel in underground storage tanks
- California Accidental Release Prevention Program (Office of Emergency Services)
  - Requires facilities that handle highly hazardous materials to implement programs to prevent the release of these materials
  - From large chemical manufactures, petroleum refineries to swimming pools and water treatment plants

CalEPA has the overall oversight of the implementation of the programs.

The CUPA Forum is a statewide association of CUPAs and Participating Agencies that implement the Unified Program. The organization works to update and continuously improve the Unified Program for the agencies, businesses and communities. The CUPA Forum is organized into four regions. The CUPA Forum Board, CalEPA and the state agencies listed above comprise the Unified Program Administration and Advisory Group (UPAAG), a management level group that works on policy issues and long-range planning.

Each region within the CUPA Forum has unique challenges. Currently the CUPA Forum Board is working with CalEPA on the long term program viability in rural areas. Ongoing challenges in rural areas are:

- Rural CUPAs are usually 1 or 2 person programs, due to the small business base, inspectors must be trained in all program elements therefore greater overhead and more training time.
- Increase in Unified Program administrative requirements, which lead to increased program costs that are harder to recover with a small business base.
- Often salaries are less in rural CUPAs which results in inspectors going to higher paying agencies.
- Average Rural CUPA fee is \$480/year – funds less than 2 FTE
- Very large variation in CUPA fee: \$113/year to \$909/year

There are 25 rural County CUPAs that are defined by the California Rural Counties Task Force and are counties that have a population under 250,000 and no large population center greater than 50,000.

The Unified Program Training Conference has been held annually each year with the CUPA Forum taking the lead and working with the state agencies putting on training for the implementation of the different programs. At the first conference, there were approximately 200 attendees. The eighteenth conference held in February there were approximately 1,900 attendees with 859 attendees from regulated businesses. The CUPA Forum Board has worked with UPAAG in the development of guidance for inspections and enforcement and a training framework, and the Board has developed standard inspection checklists and development of technical advisory groups. The CUPA Forum Board has developed guidance for mutual aid response for recovery from disasters, an instrument manual for hazardous material responders, and now is working to develop guidance that can assist businesses in complying with the regulations, and certifying or registering Unified Program Hazardous Material Specialists.

The CUPA Forum Board works with CalEPA to identify program concerns and develop long term solutions for the program.