

OFFICE OF THE CITY ATTORNEY
DAWM MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTERS 8.85 AND 8.87, ALL RELATING TO THE LONG BEACH CERTIFIED UNIFORM PROGRAM AGENCY (CUPA)

WHEREAS,

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 8.85 of the Long Beach Municipal Code is amended to read as follows:

Chapter 8.85

UNDERGROUND AND ABOVE GROUND STORAGE TANKS

8.85.010 Creation of Long Beach CUPA.

The purpose of this Chapter is to designate the Long Beach CUPA as the Unified Program Agency for purposes of enforcing and assuming responsibility for the regulation of the underground storage of hazardous substances within Long Beach, and as the local agency enforcing the Aboveground Petroleum Storage Act requirements under State law.

8.85.020 Definitions.

For purposes of this Chapter, the following definitions shall apply:

A. "Certified Uniform Program Agency" or "CUPA" means the agency certified by the Secretary of the California Environmental Protection

1 Agency to implement the unified program in the City of Long Beach.

2 B. "Long Beach CUPA" means the Long Beach Certified Unified
3 Program Agency created by the City of Long Beach and certified by the
4 Secretary of the California Environmental Protection Agency.

5

6 8.85.030 Designation of Long Beach CUPA as local agency for underground
7 storage tanks.

8 The City designates the Long Beach CUPA as its "local agency"
9 pursuant to Section 25283 and Chapter 6.11 of Division 20 of the California
10 Health and Safety Code, to be the responsible governmental agency for
11 purposes of implementing and enforcing Chapter 6.7 of Division 20 of the
12 California Health and Safety Code, and Chapter 16 of Division 3 of Title 23 of
13 the California Code of Regulations, and other related statutes and
14 regulations, all as may be amended and/or supplemented from time to time.
15 The Long Beach CUPA may adopt and enforce requirements which are equal
16 to or more stringent than those set forth under State law, in accordance with
17 California Health and Safety Code Section 25283.5. The City Clerk shall
18 cause to be filed three (3) copies of such equal or more stringent
19 requirements with the Clerk's office, and these copies shall be maintained at
20 all times by the City Clerk for use and examination by the public. The
21 designation of authority granted hereunder may be modified or rescinded at
22 any time by modification or repeal of this Section.

23

24 8.85.040 Designation of Long Beach CUPA as Unified Program Agency for
25 above ground storage tanks.

26 The City designates the Long Beach CUPA as the Certified Unified
27 Program Agency to enforce the Aboveground Petroleum Storage Act
28 requirements of Chapter 6.67 of Division 20 of the California Health and

1 Safety Code and as the Uniform Program Agency under other related statutes
2 and regulations, all as may be amended and/or supplemented from time to
3 time. As permitted by State law, the Long Beach CUPA may adopt and
4 enforce requirements which are equal to or more stringent than those
5 referenced herein. The City Clerk shall cause to be filed three (3) copies of
6 such equal or more stringent requirements with the Clerk's office, and these
7 copies shall be maintained at all times by the City Clerk for use and
8 examination by the public. The designation of authority granted hereunder
9 may be modified or rescinded at any time by modification or repeal of this
10 Section.

11
12 8.85.050 Fees.

13 All persons and facilities governed by Chapters 6.67 and 6.7 of
14 Division 20 of the California Health and Safety Code shall pay those fees
15 established by the Long Beach CUPA by Ordinance or Resolution, for
16 purposes of implementing Chapters 6.67 and 6.7 of Division 20 of the
17 California Health and Safety Code, and all other provisions related thereto,
18 along with all applicable regulations thereunder, including Chapter 16 of
19 Division 3 of Title 23 of the California Code of Regulations.

20
21 8.85.060 Violations.

22 All persons and facilities governed by Chapters 6.67 and 6.7 of
23 Division 20 of the California Health and Safety Code shall comply with such
24 provisions and the regulations thereunder, including, but not limited to,
25 Chapter 16 of Division 3 of Title 23 of the California Code of Regulations. Any
26 violation of this Chapter and the provisions of State law referenced in this
27 Chapter is a violation of this Code and is subject to civil and criminal fines,
28

1 penalties and other remedies as provided for under State law and this Code,
2 including restitution and injunctive relief.

3 Section 2. Chapter 8.87 of the Long Beach Municipal Code is amended
4 to read as follows:

5 Chapter 8.87

6 HAZARDOUS WASTE CONTROL

7
8 8.87.010 Purpose and intent.

9 The purpose of this Chapter is to designate the Long Beach CUPA as
10 the administering agency for the enforcement and regulation of Chapter 6.5
11 of Division 20 of the California Health and Safety Code, and the applicable
12 requirements thereunder, within the jurisdiction of the City.

13
14 8.87.020 Definitions.

15 A. "Certified Uniform Program Agency" or "CUPA" means the
16 agency certified by the Secretary of the California Environmental Protection
17 Agency to implement the unified program in the City of Long Beach.

18 B. "Long Beach CUPA" means the Long Beach Certified Unified
19 Program Agency created by the City of Long Beach and certified by the
20 Secretary of the California Environmental Protection Agency.

21
22 8.87.030 Designation of Long Beach CUPA.

23 The City designates the Long Beach CUPA as the Certified Unified
24 Program Agency for Long Beach for the purpose of enforcing the
25 requirements of Chapter 6.5 of Division 20 of the California Health and Safety
26 Code and the regulations related thereto, as provided for under Section
27 25404(c)(1) of the California Health and Safety Code, all as may be amended
28 and/or supplemented from time to time. As permitted by State law, the Long

1 Beach CUPA may adopt and enforce requirements which are equal to or
2 more stringent than those referenced to herein. The City Clerk shall cause to
3 be filed three (3) copies of such equal or more stringent requirements with
4 the Clerk's office, and these copies shall be maintained at all times by the City
5 Clerk for use and examination by the public. The Long Beach CUPA under
6 this Chapter shall administer its responsibilities. The designation of authority
7 granted hereunder may be modified or rescinded at any time by modification
8 or repeal of this Section.

9
10 8.87.040 Fees.

11 All persons and facilities shall pay those fees established by the Long
12 Beach CUPA, by Ordinance or Resolution, for purposes of implementing and
13 carrying out the responsibilities of the Certified Unified Program Agency
14 under Chapter 6.5 of Division 20 of the California Health and Safety Code
15 and all applicable regulations thereunder.

16
17 8.87.050 Violations.

18 All persons and facilities governed by Chapter 6.5 of Division 20 of the
19 California Health and Safety Code shall comply with such provisions and the
20 regulations thereunder. Any violation of this Chapter and the provisions of State law
21 referenced in this Chapter is a violation of this Code and is subject to civil and
22 criminal fines, penalties and other remedies as provided for under State law and
23 under this Code, including restitution and injunctive relief.

24
25 Section 3. The City Clerk shall certify to the passage of this ordinance by
26 the City Council and cause it to be posted in three (3) conspicuous places in the City of
27 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
28 Mayor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2023, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
DAWM MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Lona Beach, CA 90802