



Legislation Text

File #: 23-0138, **Version:** 2

Recommendation to declare ordinance 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), read and adopted as read. (Citywide)

This office has prepared and submits the above described Ordinance for your consideration.

The Department of Health and Human Services (Health Department) received a performance evaluation regarding the Long Beach Certified Uniform Program Agency (CUPA) from the California Environmental Protection Agency (CalEPA). Included in the review of the Long Beach CUPA, CalEPA requested technical amendments to the City's Municipal Code regulating hazardous waste control (Chapter 8.87) and underground and above ground storage tanks (Chapter 8.85) to remove the following information:

- References to the Signal Hill and a Joint Powers Agreement between the City and Signal Hill. The City no longer has a Joint Powers Agreement with Signal Hill and Signal Hill no longer assists in implementation of the Long Beach CUPA program.
- Removal of references to "Chapter 6.75 of Division 20 of the California Health and Safety Code" and "Chapter 18 of Division 3 of Title 23 of the California Code of Regulations" as the CUPA does not have regulatory authority under these sections of State law.
- Replace "spill prevention control and countermeasure plan" with "Aboveground Petroleum Storage Act" (APSA). APSA has other requirements besides Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements and there are certain tank facilities exempt from preparing an SPCC Plan under APSA.
- Remove references to Health and Safety Code section 25270.5(c) as it requires UPA inspectors to complete and pass the initial AST inspector training program and does not apply to this program.
- Replace references to "businesses" with "facilities" as APSA regulates "tank facilities" that are used by an owner or operator at a single location or site. Tank facilities are not limited to typical businesses.

The Ordinance provided for your consideration makes the technical amendments requested by CalEPA. Upon adoption of this Ordinance, a final copy of the Ordinance will be submitted to CalEPA as proof of compliance. A redline of changes made to Chapters 8.85 and 8.87 of the Long Beach Municipal Code is enclosed as Attachment 1.

Approve recommendation.

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)

DAWN MCINTOSH,
CITY ATTORNEY