

NOTICE OF PUBLIC HEARING

LOS ANGELES CITY FIRE DEPARTMENT CERTIFIED UNIFIED PROGRAM AGENCY APPLICATION TO REPLACE THE LOS ANGELES COUNTY FIRE DEPARTMENT AS THE ADMINISTRATOR OF THE HAZARDOUS WASTE GENERATOR AND ONSITE HAZARDOUS WASTE TREATMENT PROGRAM ELEMENT IN THE CITY OF LOS ANGELES

DATE: March 16, 2023

TIME: 11 am to 1 pm

LOCATION: Video: <https://us02web.zoom.us/j/83017687398>

Audio: Call-in (669)-444-9171: Meeting ID – 83017687398

The Office of the Secretary of the California Environmental Protection Agency (CalEPA) will hold a public hearing pursuant to California Code of Regulations, title 27, Section 15300, subdivision (e)(1) to receive public comment on Los Angeles City Fire Department (LAFD) Certified Unified Program Agency's (CUPA) application to replace the Los Angeles County Fire Department (LACoFD) as administrator of the Hazardous Waste Generator and Onsite Hazardous Waste Treatment (Hazardous Waste Generator) program element in the City of Los Angeles.

Background

On April 13, 2022, CalEPA received an application from LAFD CUPA to remove LACoFD as a PA for the Hazardous Waste Generator program element within the City of Los Angeles and for LAFD CUPA to replace LACoFD as the administrator for the program in the City of Los Angeles. The parties subsequently stipulated that the application presented two questions:

(1) Should CalEPA remove LACoFD as the Participating Agency (PA) for the HWG Program element; and,

(2) Should CalEPA approve LAFD CUPA's application to add the HWG Program element?

The parties further stipulated that CalEPA should hold a two-hour hearing on March 16, 2023, to receive public comment on the second question.

At the beginning of the hearing, CalEPA will provide a short overview of the matter. Because the hearing will be focused on the specific question of replacement, commenters should focus their comments on the suitability of LAFD CUPA to administer the program. CalEPA will consider any comments focused on LACoFD's performance as the participating agency to be outside the scope of the hearing.

Documents

The parties have prepared brief statements that are attached to this notice. In addition, CalEPA has posted the full administrative record for the matter on its website at <https://calepa.ca.gov/cupa/>.

Administrative Record

1. LAFD CUPA's amended application to remove LA County PA and add the Hazardous Waste Generator program element and attachments
2. LACoFD Participating Agency's (PA) response to the amended application
3. LAFD CUPA's reply to LA County PA's Response
4. LACoFD PA's sur-reply to LAFD CUPA's reply
5. 1997 Participating Agency (PA) Agreement and associated Memorandum of Understanding (MOU)
6. LACoFD PA's Program Improvement Agreement (PIA) and related correspondence
7. LAFD CUPA PA PIA Final CUPA Response dated July 11, 2022.
8. July 8, 2022, Letter from LAFD CUPA lifting the PIA
9. Information from data management systems such as the California Environmental Reporting System (CERS) and the Hazardous Waste Tracking System (HWTS)
10. Previously completed CalEPA evaluations of LAFD CUPA, including the 2016 evaluation and related PIA
11. LAFD CUPA Summary Brief
12. LACoFD PA Summary Brief

Public Participation

Commenters may provide written comments at or prior to the hearing by submitting them CUPA@calepa.ca.gov. Commenters may provide oral comments at the hearing, but such comments will be limited to no more than three minutes in length. CalEPA will not respond to questions and comments at the meeting.

CalEPA will translate the hearing in real-time in Spanish and Laotian. CalEPA will record the hearing and later post the recording on its website.

If you require special accommodations or need this document in an alternative format (i.e., Braille, large print) or another language, please contact Jennifer.Rohde@calepa.ca.gov as soon as possible, but no later than March 9, 2023.

If you have any questions about the hearing's purpose or procedures, please contact John Paine at (916) 327-5092 or John.Paine@calepa.ca.gov.



Summary Statement from the Los Angeles County Fire Department Certified Unified Program Agency



Over the objection of the Los Angeles County Fire Department (LACoFD), the City of Los Angeles (City) has submitted an application to the California Environmental Protection Agency (CalEPA) to remove LACoFD as the Participating Agency (PA) for the Hazardous Waste Generation Program (HWG Program) and to authorize the City to implement the HWG Program.

For the past 40 years, the LACoFD Certified Unified Program Authority (CUPA) has been regulating the HWG program for the City and providing 24/7 emergency response to hazardous materials emergencies in the City. The LACoFD CUPA is the largest in the State, regulating 25,000 facilities and 35,000 programs with 90 technical staff who are sworn in as Deputy Health Officers. The LACoFD is the only CUPA in the State with a dedicated enforcement unit with five investigators.

In 1997, CalEPA approved the LACoFD as a CUPA. The City and the LACoFD established a Memorandum of Understanding (MOU) and Agreement that was approved by the City, County, and CalEPA in 1997, delineating the County's responsibilities in the City. The terms of the MOU and Agreement do not allow the City to terminate the HWG Program unilaterally. Further, there is no basis for removing the LACoFD CUPA as the PA. The County is meeting all the expectations in its implementation of the HWG Program in the City.

The LACoFD has long been a leader in California regarding inspection and enforcement of hazardous waste violations, receiving several awards and recognition from various agencies and environmental groups, including the Los Angeles City Attorney. The LACoFD has over four decades of experience and a vast knowledge of the laws, regulations, and businesses being regulated and does an outstanding job keeping the residents and the environment of the City of Los Angeles safe.

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Proposal to Amend the Los Angeles City Fire Department

Unified Program

SUMMARY

The Los Angeles City Fire Department (LAFD) has applied to the California Environmental Protection Agency (CalEPA) to authorize LAFD to regulate businesses that generate and store hazardous waste. The proposal would replace the Los Angeles County Fire Department (LACoFD) as the regulating agency.

WHAT IS A UNIFIED PROGRAM?

A Unified Program (UP) consolidates several environmental compliance and emergency management programs. A UP protects Californians from illegal disposal of hazardous wastes and unsafe storage conditions of hazardous materials by ensuring consistency when local regulatory agencies issue permits, conduct inspections, and engage in enforcement activities. The LAFD is certified and approved by CalEPA to implement all of the programs under a UP in the City except for the Hazardous Waste Generator (HWG) program. Right now, the City's HWG program is regulated under contract by LACoFD.

WHAT ARE THE ISSUES BEING ADDRESSED?

The City of Los Angeles is asking CalEPA to:

- Remove the County's Fire Department from the City's HWG program.
- Install the City's Fire Department as the manager of the City's HWG program.

WHAT ARE THE BENEFITS TO THE CITY AND OUR BUSINESSES?

- Reduced Cost – HWG program inspection fees will be reduced for LA City businesses.
- Improved Public Safety – Unifying environmental emergency response in a single agency will improve protection for our communities.
- Improved Efficiency – One integrated data management team will streamline billing and customer support.
- Improved Communications – Business owners can get answers and direction from a single agency and combined inspections.

WHY DO WE NEED YOUR SUPPORT?

CalEPA is seeking the public's input to inform its decision on the LAFD's request. Your comments matter to CalEPA and the City of Los Angeles. Over the years, our communities have been disproportionately affected by harmful hazardous materials releases (such as from the Exide battery plant), some of the worst air pollution in the nation, and contamination of our waterways from industrial wastes. The residents of Los Angeles deserve better protection from improper and dangerous releases. Your support will protect our local communities, natural environment, and first responders.

IN CLOSING

Your opinion matters to the City's success in making our communities the safest in the Nation by transferring the Hazardous Waste Generator program to LAFD. I encourage businesses and stakeholders to voice their support at the public meeting or provide written comments to CalEPA.

Sincerely,



KRISTIN M. CROWLEY
Fire Chief