



California Environmental Protection Agency Unified Program

Fact Sheet
March 2012

Health and Safety Code Chapter 6.11
California Code of Regulations Title 27, Division 1

SUMMARY:

Senate Bill 1082 of 1993 (Health and Safety Code Chapter 6.11) required the Secretary of the California Environmental Protection Agency (Cal/EPA) to establish a “unified hazardous waste and hazardous materials management” regulatory program (Unified Program) by January 1, 1996. Currently, there are 83 Certified Unified Program Agencies (CUPA) in California. All counties have been certified by the Secretary. The *Unified Program* consolidates, coordinates, and makes consistent the following six existing programs:

- Hazardous Materials Release Response Plans and Inventories (Business Plans),
- California Accidental Release Prevention (CalARP) Program,
- Underground Storage Tank Program,
- Aboveground Petroleum Storage Act,
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs,
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements.

A local agency, such as a county or city, applies to Cal/EPA for certification as the Unified Program Agency, responsible for implementing the Unified Program within its jurisdiction. A Certified Unified Program Agency must establish a program which consolidates, coordinates and makes consistent the administrative requirements, permits, inspection activities, enforcement activities, and hazardous waste and hazardous materials fees. The implementation of the Unified Program must not result in more fragmentation between jurisdictions than existed before the Unified Program, and the Unified Program must be consistent throughout the entire county.

SPECIFIC ELEMENTS:

1. ***Consolidate Administrative Procedures.*** The Unified Program must consolidate existing administrative procedures in public participation, information management, financial management, dispute resolution, formal appeal processes, coordination meetings, self auditing, reporting, and processes for receiving comments about the local Unified Program from facilities and the public. Effective January 2012, Businesses are able to report to the state using CERS(California Environmental Reporting System).

2. ***Consolidated Permit Program.*** Consolidation of the existing permit programs will provide business with a single permit for the six core programs. The Consolidated Permit Program requires the following:

- Consolidation of permits into a single permit,
- A single point of contact for permit applicants,
- A consolidated permit application package,
- Timely review and decision on the consolidated permit,
- Efficient methods of transmitting the permit,
- A mechanism for evaluating the permit process.

3. Unified Inspection and Enforcement Program. Implementation of a unified inspection and enforcement program will reduce the incidence of multiple inspections upon individual businesses. The Unified Program requires that the CUPA conduct inspections for all program elements according to the standards contained in the pertinent statute or regulation.

4. Single Fee System. Each CUPA is required to develop and to implement a Single Fee System. The new Single Fee System is meant to reduce the burden of sending multiple payments to multiple agencies. Each CUPA must provide for a transition from multiple billing statements to a single bill within 5 years of certification. The CUPA or its designated local agency is the only agency that may collect fees pertaining to the consolidated programs within the CUPA's jurisdiction. The Single Fee System within each jurisdiction may only cover the reasonable and necessary costs to implement the local Unified Program.

5. Annual State Surcharge. The Single Fee System will include the assessment of an annual state surcharge on each regulated business. This surcharge is used to support necessary and reasonable state activities to manage the requirements of the statewide Unified Program. Cal/EPA will determine the annual surcharge based on the reasonable and necessary costs to the state agencies of conducting activities required under the Unified Program. This surcharge will not be assessed on programs voluntarily added to the Unified Program. Cal/EPA will publish the surcharge amount in the California Regulatory Notice Register for a thirty (30) day comment period. The annual surcharge will consist of:

- a component for hazardous materials, assessed on all regulated businesses,
- a component assessed on regulated businesses for each underground storage tank,
- a component assessed on regulated businesses subject to the California Accidental Release Prevention (CalARP) Program.

For 2009, the hazardous materials (program oversight) portion of the state surcharge has been set at \$49.00(including \$25 for electronic surcharge) per regulated business, the underground storage tank surcharge is set at \$15.00 per tank, and the CalARP surcharge is set at \$270 per regulated business.

6. Fee Accountability Program. Each CUPA and Cal/EPA will establish and maintain a fee accountability program, designed to encourage efficient and cost-effective operation of the program for which the single fee and surcharge are assessed. The CUPA must annually review and update their respective fee accountability programs.

OTHER REQUIREMENTS:

The CUPA must maintain an *annual self audit* and *specific summary reports* on file, available for Cal/EPA's review upon 60 days notice. The CUPA files must include a self audit which includes the following: summaries of program element activities, a summary of the Single Fee System activities, a summary of the progress made toward consolidating, coordinating and making consistent the original six programs, a record of changes in local ordinances, resolutions and agreements affecting the Unified Program, and a summary of the annual review and update of the fee accountability program.

The Secretary will *review* a CUPA's ability to implement the Unified Program at least once every three (3) years. If the Secretary finds significant deficiencies, the Secretary will enter into a *program improvement agreement* with the CUPA to correct the deficiencies. If the CUPA fails to make needed improvements, the Secretary may issue a Notice of Intent to withdraw certification.

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