

§ 15120. Certified Unified Program Agency Applicants.

(a) Counties must apply.

(b) Cities or other local agencies that qualify pursuant to HSC §Section 25404.1(b)(2) may apply.

(c) A city that incorporates after January 1, 1996, may apply for certification as a CUPA pursuant HSC §Section 25404.1(b)(2)(B) and §Section 15130(b) of this title. Any request to the Secretary for approval to apply for certification shall be submitted within 180 days of incorporation.

(d) Two or more counties, cities or local agencies that propose to form a Joint Powers Agency (JPA) may apply on or before January 1, 1996.

(1) Cities or other local agencies that have formed or propose to form a JPA may apply if one of the following is true:

(A) A maximum of two member agencies of the JPA have not implemented the HMRRP Program or the UST Program prior to December 31, 1995, and at least one member agency has implemented the HMRRP Program or the UST Program prior to December 31, 1995; or

(B) The JPA has an agreement with the county to implement the Unified Program in the JPA's jurisdiction; or

(C) The county is a member agency of the JPA.

(e) Each county, ~~shall~~ and each city or local agency within the county that qualifies pursuant to HSC §Section 25404.1(b)(2) and chooses to apply, shall apply for certification on or before January 1, 1996.

(f) An applicant agency shall apply to the Secretary according to the provisions of 27 CCR, §Sections 15130, 15150, and 15160.

(g) Applications shall be valid if they meet the requirements of this aArticle and one copy is mailed to: California Environmental Protection Agency, Unified Program, 1001 "I" Street, P.O. Box 2815, Sacramento, California 95812.

Note: Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Section 25404.1(b), Health and Safety Code.

§ 15130. Application Notices.

(a) A non-county agency, as defined in §Section 15120(c) and (d), that intends to apply for certification as a CUPA shall file with the Secretary and the county within which the city or other local agency is located, a letter that expresses the applicant's intent to apply. This "intent to apply" letter shall be valid if mailed to: California Environmental Protection Agency, Unified Program, 1001 "I" Street, P.O. Box 2815, Sacramento, California 95812.

(b) Any request to the Secretary by a non-county agency for approval to apply for certification pursuant to HSC §Section 25404.1(b)(2)(B) shall be submitted in writing.

(1) In its request, the applicant shall specify the date it received the county's agreement or the reasons for failing to enter into an agreement. Any relevant correspondence to or from the county shall be attached to the request.

(2) The Secretary shall respond within 45 days of receiving the request.

Note: Authority cited: Sections 25204(b) and 25404.6(c), Health and Safety Code. Reference: Section 25404.1(b), Health and Safety Code.

§ 15150. Information Provided in an Application.

(a) Identify which agency will be the point of contact within the CUPA.

(1) An applicant agency shall designate only one administrative body, such as an internal department or office within a county or city, within that jurisdiction as the point of contact for Unified Program implementation.

(2) The governing body of the applicant agency may designate itself as the point of contact by not specifying any other.

(3) The applicant agency shall provide the name, address, phone number, e-mail and facsimile number of the contact (~~use~~Appendix A).

(b) The application for certification as a CUPA shall be signed by at least one elected or appointed official who is authorized to represent the jurisdiction.

(c) The application for certification shall include an Authorizations Section including a list and brief description of all ordinances and resolutions used in the Unified Program.

(1) If overlapping authority will arise pursuant to certification under this division, the applicant agency shall include in the application, a discussion of how jurisdictional authority will be managed to ensure that health and safety are maintained within the jurisdiction.

(2) Copies of all local UST Program ordinances required by HSC ~~e~~Chapter 6.7 must be provided.

(d) The application for certification shall include an agreements section including copies of all final written agreements or draft written agreements between the applicant agency and any proposed PAs.

~~(1) The agreements section shall include draft or final agreements between the applicant agency and all proposed PAs.~~ Final copies of all written agreements must be submitted to the Secretary prior to certification.

(A) If an applicant agency proposes that any agency other than itself implement any aspect of the single fee system, including billing and collection of the state surcharges, the written agreement shall specify responsibilities of each agency. The written agreement shall:

(i) Identify responsibility for absorbing funds lost on non-payment of fees.

(ii) Identify under what conditions and authority fees will be waived.

(B) The written agreement shall include procedures for removing a PA required pursuant to Section 15180(e)(6).

(C) CUPAs may satisfy information collection, retention, and management requirements through agreements with PAs that serve as the repository of the information.

(e) ~~The application for certification shall be constructed in sections so as to meet the requirements and structure of Appendix A, including the following~~include:

(1) ~~A cover sheet. Use Appendix A and complete~~ An application completeness checklist with all appropriate information completed (Appendix A).

(2) For a county applicant, documentation that cities within the county either intend or do not intend to apply to be a CUPA. Documentation may take the form of a listing of all cities within the county with an indication of whether they intend to apply or not.

(3) A description of the geographic scope of the proposed Unified Program in the jurisdiction.

(4) The number of regulated businesses within the jurisdiction, for each program element. ~~Use (Appendix B, Table 1) to provide this information.~~

(5) The organizational structure of the proposed Unified Program in the jurisdiction.

(6) A Unified Program Implementation Plan that provides:

(A) A description or implementation timeline that addresses all phases from startup through full operation.

(B) Specific information required for the Secretary's evaluation of the application pursuant to Section 15170.

(C) A Single Fee System Implementation Plan that provides ~~F~~for a transition from multiple billing statements and collection agencies within the Unified Program to a single billing statement and collection agency within the Unified Program. The Single Fee System Implementation Plan shall be implemented upon certification, and this shall:

(i) Provide for public participation and review of the proposed Single Fee System Implementation Plan;

(ii) Provide for a transition period no longer than five years;

(iii) Provide for regulated businesses to receive a single billing statement annually that includes all recurring United Program activity fees;

(iii) Provide for regulated businesses to remit Unified Program fees with a single payment; and

(iv) Include provisions for instances of non-payment.

(7) Adequate information to determine that the applicant agency and any proposed

PAs meet education, ~~expertise~~ and training requirements specified in ~~s~~Sections 15260 (Appendix B, Table 4) and 15270.

~~(A) Table 2 and Table 4 may be used to provide this information.~~

~~(B) If Table 2 and Table 4 are not used, the information required in the tables must be provided in some form.~~

(8) A certification that the administrative procedures of the proposed Unified Program will meet the requirements of ~~s~~Section 15180. ~~Use Appendix B.~~

(9) A Unified Program Facility Permit Plan that meets the requirements of ~~s~~Section 15190.

(10) An Inspection and Enforcement Program Plan that meets the requirements of ~~s~~Section 15200.

(11) A Fee Accountability Program in compliance with HSC ~~s~~Section 25404.5(c) ~~of the HSC and with s~~Sections 15210 and 15220 of this title.

(12) A Single Fee System Implementation Plan that meets the requirements of ~~s~~Section 15210.

(13) A budget and funding mechanism for the Unified Program that meets the requirements of ~~s~~Section 15170(a)(3), staff time allocations, and certification that adequate resources exist to carry out the Unified Program. Appendix B, Table 3 may be used to provide information on staff time allocations. ~~Appendix B will be used to certify adequate resources exist.~~

(14) A description of how the CUPA will fulfill reporting requirements and certification that it will meet requirements of ~~a~~Article 6 of this title.

(15) A summary of program implementation history that shall include the following information. ~~Appendix B, Table 2 may be used to provide this information.~~ (Appendix B, Table 2):

(A) A list of the Unified Program elements that have been managed by the applicant agency and PAs for the past three years. This list shall include voluntarily consolidated programs.

(B) A summary of inspection and enforcement activities within the scope of the Unified Program, undertaken within the past three years, including the types and numbers of inspections conducted and enforcement actions handled.

(16) A description of recordkeeping and costs accounting systems.

(17) A description of the applicant agency's compliance with the criteria identified in ~~the~~22 CCR, title 22, sSection 66272.10, except subdivisions (b)(2) and (b)(3).

(18) A description of any additional programs incorporated into the Unified Program.

(19) An explanation of why the Secretary need not be concerned that certification of the applicant agency might lead to adverse impacts on the county.

(20) A description of how certification of the proposed Unified Program will lead to less fragmentation between jurisdictions within the county.

~~(f) The application for certification shall contain a Single Fee System Implementation Plan that provides for a transition from multiple billing statements and collection agencies within the Unified Program, to a single billing statement and collection agency within the Unified Program.~~

~~(1) The applicant agency shall implement the Single Fee System Implementation Plan upon certification.~~

~~(2) The applicant agency shall provide for public participation and review of the proposed Single Fee System Implementation Plan.~~

(3f) A CUPA that has partially implemented the sSingle fFee sSystem Implementation Plan but requires an extension of the transition period may petition the Secretary for an exception of the five-year limit.

(A₁) The CUPA shall submit such petition at least one year prior to expiration of the five-year limit.

(B₂) The Secretary shall rule on such petitions within 180 days of receipt of the request for extension.

Note: Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Sections 25404.1(b), 25404.2, 25404.3(b), 25404.3(c), 25404.3(d) and 25404.5, Health and Safety Code.