

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JUNE 21, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 19, 2007

AMENDED IN ASSEMBLY APRIL 16, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1130

Introduced by Assembly Member Laird

February 23, 2007

An act to amend Sections 25270.2, 25270.3, 25270.6, 25270.8, 25270.12, 25270.13, 25404, 25404.1.1, ~~and 25404.5~~ 25404.5, *and* 25503.4 of, to add Section 25270.4.5 to, to repeal Sections 25270.1, 25270.7, and 25270.10 of, to repeal and add Sections 25270, 25270.4, 25270.5, and 25270.9 of, and to repeal, add, and repeal Section 25270.11 of, the Health and Safety Code, relating to aboveground storage tanks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1130, as amended, Laird. Aboveground storage tanks.

(1) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. A city or local agency that meets specified requirements is authorized to apply to the secretary to implement the unified program, and every county is required to apply to the secretary to be certified to implement the unified program.

The Aboveground Petroleum Storage Act (Act) defines, for purposes of the act, a “storage tank” as any aboveground tank or container used

for the storage of petroleum, except as specified. Existing law requires the State Water Resources Control Board and the California regional water quality control boards to administer the act with regard to a tank facility that is subject to specified federal regulations and requires a certified unified program agency to enforce the requirements of the act regarding a spill prevention control and countermeasure plan. Existing law imposes specified inspection and monitoring requirements upon the board and the regional boards with regard to these tanks and requires a tank facility owner or operator to file a storage statement with the board. Existing law establishes the Environmental Protection Trust Fund in the State Treasury and provides that the money in the fund is available for expenditure by the board, upon appropriation by the Legislature, for specified purposes.

This bill would instead require the unified program agencies (UPAs) to implement that act, and would make conforming changes.

The bill would define the term “aboveground storage tank” and would revise the types of storage tanks subject to the act. A storage tank at a tank facility subject to specified federal regulations would be required to prepare a spill prevention control and countermeasure plan and a tank facility located on a farm, nursery, logging site, or construction site that is less than a specified capacity would be required to be subject to inspections and, if the UPA makes a certain determination, secondary containment requirements.

The bill would require the UPA to inspect, at least once every 3 years, each storage tank within its jurisdiction that has a storage capacity of 10,000 gallons or more of petroleum, except as specified. The owner or operator of a tank facility would be required to file an annual tank facility statement with the local agency, *with an exception*, accompanied by a fee established by the UPA.

The board, ~~and the regional board, and the UPA would~~ *board would* be authorized to oversee the cleanup or abatement efforts, or to cause cleanup or abatement efforts, with regard to a release from a storage tank at a tank facility.

Any expenses recovered by the board or a regional board in overseeing, or contracting for, a cleanup or abatement would be required to be deposited in the Waste Discharge Permit Fund, for expenditure by the board, upon appropriation by the Legislature, to assist the regional boards and other public agencies in cleaning up or abating the effects of waste on water and other specified purposes. The bill would require the deposited money to be separately accounted for.

The bill would impose a state-mandated local program by imposing new duties upon local agencies with regard to the regulation of aboveground storage tanks.

The bill would authorize the expenditure of a portion of the moneys in the Environmental Protection Trust Fund, upon appropriation by the Legislature, in an amount determined by the Secretary—~~of for~~ Environmental Protection in consultation with the UPAs, to a training account established and maintained by the secretary to be used for purposes of training UPA personnel in the requirements of the act, ~~and would authorize the expenditure of all remaining funds to the UPAs to implement the act.~~ *The bill would allocate all remaining funds to the UPAs for expenditure to implement the act, but limit to 80% or less the allocation to a UPA in advance of actual expenditure by the UPA.* Any funds remaining in the training account established by the secretary, or in the Environmental Protection Trust Fund, as of June 1, 2011, would be authorized to be expended by the UPAs to implement the act, upon appropriation by the Legislature. The Environmental Protection Trust Fund and the training account would be inoperative as of July 1, 2011, and would be repealed as of January 1, 2012.

The bill would also make conforming changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25270 of the Health and Safety Code is
- 2 repealed.
- 3 SEC. 2. Section 25270 is added to the Health and Safety Code,
- 4 to read:
- 5 25270. This chapter shall be known and may be cited as the
- 6 Aboveground Petroleum Storage Act.
- 7 SEC. 3. Section 25270.1 of the Health and Safety Code is
- 8 repealed.
- 9 SEC. 4. Section 25270.2 of the Health and Safety Code is
- 10 amended to read:

25270.2. For purposes of this chapter, the following definitions apply:

(a) “Aboveground storage tank” or “storage tank” means a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground. “Aboveground storage tank” does not include any of the following:

(1) A pressure vessel or boiler that is subject to Part 6 (commencing with Section 7620) of Division 5 of the Labor Code.

(2) A tank containing hazardous waste, as defined in subdivision (g) of Section 25316, if the Department of Toxic Substances Control has issued the person owning or operating the tank a hazardous waste facilities permit for the storage tank.

(3) An aboveground oil production tank that is subject to Section 3106 of the Public Resources Code.

(4) Oil-filled electrical equipment, including, but not limited to, transformers, circuit breakers, or capacitors, if the oil-filled electrical equipment meets either of the following conditions:

(A) The equipment contains less than 10,000 gallons of dielectric fluid.

(B) The equipment contains 10,000 gallons or more of dielectric fluid with PCB levels less than 50 parts per million, appropriate containment or diversionary structures or equipment are employed to prevent discharged oil from reaching a navigable water course, and the electrical equipment is visually inspected in accordance with the usual routine maintenance procedures of the owner or operator.

(5) A tank regulated as an underground storage tank under Chapter 6.7 (commencing with Section 25280) and Chapter 16 (commencing with Section 2610) of Division 3 of Title 23 of the California Code of Regulations.

(6) Any transportation-related tank facility, subject to the authority and control of the United States Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the United States Environmental Protection Agency, dated November 24, 1971, set forth in Appendix A to Part 112 (commencing with Section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations.

(b) “Board” means the State Water Resources Control Board.

1 (c) (1) “Certified Unified Program Agency” or “CUPA” means
2 the agency certified by the Secretary for Environmental Protection
3 to implement the unified program specified in Chapter 6.11
4 (commencing with Section 25404) within a jurisdiction.

5 (2) “Participating Agency” or “PA” means an agency that has
6 a written agreement with the CUPA pursuant to subdivision (d)
7 of Section 25404.3, and is approved by the secretary, to implement
8 and enforce the unified program element specified in paragraph
9 (2) of subdivision (c) of Section 25404, in accordance with Sections
10 25404.1 and 25404.2.

11 (3) (A) “Unified Program Agency” or “UPA” means the CUPA,
12 or its participating agencies to the extent that each PA has been
13 designated by the CUPA, pursuant to a written agreement, to
14 implement and enforce the unified program element specified in
15 paragraph (2) of subdivision (c) of Section 25404. The UPAs have
16 the responsibility and authority, to the extent provided by this
17 chapter and Sections 25404.1 and 25404.2, to implement and
18 enforce the requirements of this chapter.

19 (B) After a CUPA has been certified by the secretary, the unified
20 program agency shall be the only agency authorized to enforce the
21 requirements of this chapter..

22 (C) This paragraph shall not be construed to limit the authority
23 or responsibility granted to the board and the regional boards by
24 this chapter.

25 (d) “Operator” means the person responsible for the overall
26 operation of a tank facility.

27 (e) “Owner” means the person who owns the tank facility or
28 part of the tank facility.

29 (f) “Person” means an individual, trust, firm, joint stock
30 company, corporation, including a government corporation,
31 partnership, limited liability company, or association. “Person”
32 also includes any city, county, district, the University of California,
33 the California State University, the state, any department or agency
34 thereof, and the United States, to the extent authorized by federal
35 law.

36 (g) “Petroleum” means crude oil, or any fraction thereof, which
37 is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds
38 per square inch absolute pressure.

39 (h) “Regional board” means a California regional water quality
40 control board.

1 (i) "Release" means any spilling, leaking, pumping, pouring,
2 emitting, emptying, discharging, escaping, leaching, or disposing
3 into the environment.

4 (j) "Secretary" means the Secretary for Environmental
5 Protection.

6 (k) "Storage" or "store" means the containment, handling, or
7 treatment of petroleum, for any period of time, including on a
8 temporary basis.

9 (l) "Storage capacity" means the aggregate capacity of all
10 aboveground tanks at a tank facility.

11 (m) "Tank facility" means any one, or combination of,
12 aboveground storage tanks, including any piping that is integral
13 to the tank, that contains petroleum and that is used by a single
14 business entity at a single location or site. For purposes of this
15 chapter, a pipe is integrally related to an aboveground storage tank
16 if the pipe is connected to the tank and meets any of the following:

17 (1) The pipe is within the dike or containment area.

18 (2) The pipe is between the containment area and the first flange
19 or valve outside the containment area.

20 (3) The pipe is connected to the first flange or valve on the
21 exterior of the tank, if state or federal law does not require a
22 containment area.

23 SEC. 5. Section 25270.3 of the Health and Safety Code is
24 amended to read:

25 25270.3. A tank facility is subject to this chapter if the tank
26 facility is subject to the oil pollution prevention regulations
27 specified in Part 112 (commencing with Section 112.1) of
28 Subchapter D of Chapter I of Title 40 of the Code of Federal
29 Regulations or the tank facility has a storage capacity of 1,320
30 gallons or more of petroleum.

31 SEC. 6. Section 25270.4 of the Health and Safety Code is
32 repealed.

33 SEC. 7. Section 25270.4 is added to the Health and Safety
34 Code, to read:

35 25270.4. This chapter shall be implemented by the Unified
36 Program Agency. If there is no UPA, the agency authorized
37 pursuant to subdivision (f) of Section 25404.3 shall be deemed to
38 be the UPA for purposes of this chapter and shall implement this
39 chapter.

1 SEC. 8. Section 25270.4.5 is added to the Health and Safety
2 Code, to read:

3 25270.4.5. (a) Except as provided in subdivision (b), each
4 owner or operator of a storage tank at a tank facility subject to this
5 chapter shall prepare a spill prevention control and countermeasure
6 plan prepared in accordance with Part 112 (commencing with
7 Section 112.1) of Subchapter D of Chapter I of Title 40 of the
8 Code of Federal Regulations. Each owner or operator specified in
9 this subdivision shall conduct periodic inspections of the storage
10 tank to assure compliance with Section 112 (commencing with
11 Section 112.1) of Subchapter D of Chapter I of Title 40 of the
12 Code of Federal Regulations. In implementing the spill prevention
13 control and countermeasure plan, each owner or operator specified
14 in this subdivision shall fully comply with the latest version of the
15 regulations contained in Part 112 (commencing with Section 112.1)
16 of Subchapter D of Chapter I of Title 40 of the Code of Federal
17 Regulations.

18 (b) A tank facility located on a farm, nursery, logging site, or
19 construction site is not subject to subdivision (a) if no storage tank
20 at the location exceeds 20,000 gallons and the cumulative storage
21 capacity of the tank facility does not exceed 100,000 gallons. The
22 owner or operator of a tank facility exempt pursuant to this
23 subdivision shall take the following actions:

24 (1) Conduct a daily visual inspection of any storage tank storing
25 petroleum.

26 (2) Allow the UPA to conduct a periodic inspection of the tank
27 facility.

28 (3) If the UPA determines installation of secondary containment
29 is necessary for the protection of the waters of the state, install a
30 secondary means of containment for each tank or group of tanks
31 where the secondary containment will, at a minimum, contain the
32 entire contents of the largest tank protected by the secondary
33 containment plus precipitation.

34 SEC. 9. Section 25270.5 of the Health and Safety Code is
35 repealed.

36 SEC. 10. Section 25270.5 is added to the Health and Safety
37 Code, to read:

38 25270.5. (a) Except as provided in subdivision (b), at least
39 once every three years, the UPA shall inspect each storage tank
40 or a representative sampling of the storage tanks at each tank

1 facility that has a storage capacity of 10,000 gallons or more of
2 petroleum. The purpose of the inspection shall be to determine
3 whether the owner or operator is in compliance with the spill
4 prevention control and countermeasure plan requirements of this
5 chapter.

6 (b) The UPA may develop an alternative inspection and
7 compliance plan, subject to approval by the secretary.

8 (c) An inspection conducted pursuant to this section does not
9 require the oversight of a professional engineer. *The person*
10 *conducting the inspection shall meet both of the following*
11 *requirements:*

12 (1) *Complete an aboveground storage tank training program,*
13 *which shall be established by the secretary.*

14 (2) *Satisfactorily pass an examination developed by the secretary*
15 *on the spill prevention control and countermeasure plan provisions*
16 *and safety requirements for aboveground storage tank inspections.*

17 SEC. 11. Section 25270.6 of the Health and Safety Code is
18 amended to read:

19 25270.6. (a) (1) On or before January 1, 2009, and on or
20 before January 1 annually thereafter, each owner or operator of a
21 tank facility subject to this chapter shall file with the UPA a tank
22 facility statement that shall identify the name and address of the
23 tank facility, a contact person for the tank facility, the total storage
24 capacity of the tank facility, and the location, size, age, and
25 contents of each storage tank that exceeds 10,000 gallons in
26 capacity and that holds a substance containing at least 5 percent
27 of petroleum. A copy of a statement submitted previously pursuant
28 to this section may be submitted in lieu of a new tank facility
29 statement if no new or used storage tanks have been added to the
30 facility or if no significant modifications have been made. For
31 purposes of this section, a significant modification includes, but
32 is not limited to, altering existing storage tanks or changing spill
33 prevention or containment methods.

34 (2) *Notwithstanding paragraph (1), an owner or operator of a*
35 *tank facility that submits a business plan, as defined in subdivision*
36 *(e) of Section 25501, to the UPA, and that complies with Sections*
37 *25503.5, 25505, and 25510, satisfies the requirement in paragraph*
38 *(1) to file a tank facility statement.*

39 (b) Each year, commencing in calendar year 2010, each owner
40 or operator of a tank facility who is ~~required to submit a tank~~

~~facility statement pursuant to~~ *subject to the requirements of* subdivision (a) shall pay a fee to the UPA, on or before a date specified by the UPA. The governing body of the UPA shall establish a fee, as part of the single fee system implemented pursuant to Section 25404.5, at a level sufficient to pay the necessary and reasonable costs incurred by the UPA in administering this chapter, including, but not limited to, inspections, enforcement, and administrative costs. *The UPA shall also implement the fee accountability program established pursuant to subdivision (c) of Section 25404.5 and the regulations adopted to implement that program.* The UPA may provide for a waiver of these fees when a state or local government agency submits a tank facility statement.

SEC. 12. Section 25270.7 of the Health and Safety Code is repealed.

SEC. 13. Section 25270.8 of the Health and Safety Code is amended to read:

25270.8. Each owner or operator of a tank facility shall immediately, upon discovery, notify the Office of Emergency Services and the UPA using the appropriate 24-hour emergency number or the 911 number, as established by the UPA, or by the governing body of the UPA, of the occurrence of a spill or other release of one barrel (42 gallons) or more of petroleum that is required to be reported pursuant to subdivision (a) of Section 13272 of the Water Code.

SEC. 14. Section 25270.9 of the Health and Safety Code is repealed.

SEC. 15. Section 25270.9 is added to the Health and Safety Code, to read:

25270.9. (a) ~~The board, the regional board, and the UPA and the regional board~~ may oversee cleanup or abatement efforts, or cause cleanup or abatement efforts, of a release from a storage tank at a tank facility. ~~The UPA may refer the oversight or cleanup of a release from a storage tank at a tank facility to a regional board for action, if appropriate, pursuant to Division 7 (commencing with Section 13000) of the Water Code.~~

(b) The reasonable expenses of the board, ~~the regional board, and the UPA and the regional board~~ incurred in overseeing, or contracting for, cleanup or abatement efforts that result from a release at a tank facility is a charge against the owner or operator

1 of the tank facility. Expenses reimbursable to a public agency
2 under this section are a debt of the tank facility owner or operator,
3 and shall be collected in the same manner as in the case of an
4 obligation under a contract, express or implied.

5 (c) Expenses recovered by the board or a regional board pursuant
6 to this section shall be deposited into the Waste Discharge Permit
7 Fund. These moneys shall be separately accounted for, and shall
8 be expended by the board, upon appropriation by the Legislature,
9 to assist regional boards and other public agencies with authority
10 to clean up waste or abate the effects of the waste, in cleaning up
11 or abating the effects of the waste on waters of the state, or for the
12 purposes authorized in Section 13443.

13 ~~(d) The expenses recovered by the UPA pursuant to this section~~
14 ~~shall be deposited in an account maintained by the UPA for the~~
15 ~~purposes of carrying out this chapter.~~

16 SEC. 16. Section 25270.10 of the Health and Safety Code is
17 repealed.

18 SEC. 17. Section 25270.11 of the Health and Safety Code is
19 repealed.

20 SEC. 18. Section 25270.11 is added to the Health and Safety
21 Code, to read:

22 25270.11. (a) All moneys in the Environmental Protection
23 Trust Fund may be expended, upon appropriation by the
24 Legislature, in the following manner:

25 (1) A portion of the funds, in an amount determined by the
26 secretary in consultation with the UPAs, to a training account
27 established and maintained by the secretary, to be used for purposes
28 of training UPA personnel in the requirements of this chapter.

29 (2) All remaining funds in the Environmental Protection Trust
30 Fund, shall be allocated to the UPAs, in accordance with a formula
31 and process determined by the secretary in consultation with the
32 UPAs. The UPAs shall expend those funds for the purpose of
33 implementing this chapter. *Eighty percent or less of each UPA's*
34 *allocation may be distributed to the UPA in advance of actual*
35 *expenditure by the UPA.*

36 (b) All moneys remaining in the training account established
37 pursuant to paragraph (1) of subdivision (a), as of June 1, 2011,
38 may be expended pursuant to paragraph (2) of subdivision (a),
39 upon appropriation by the Legislature.

1 (c) All moneys remaining in the Environmental Protection Trust
2 Fund that have not been expended, as of June 1, 2011, shall be
3 expended pursuant to paragraph (2) of subdivision (a), upon
4 appropriation by the Legislature.

5 (d) This section shall become inoperative on July 1, 2011, and,
6 as of January 1, 2012, is repealed, unless a later enacted statute,
7 that becomes operative on or before January 1, 2012, deletes or
8 extends the dates on which it becomes inoperative and is repealed.

9 SEC. 19. Section 25270.12 of the Health and Safety Code is
10 amended to read:

11 25270.12. (a) Any owner or operator of a tank facility who
12 fails to prepare a spill prevention control and countermeasure plan
13 in compliance with subdivision (a) of Section 25270.4.5, to file a
14 tank facility statement pursuant to subdivision (a) of Section
15 25270.6, to submit the fee required by subdivision (b) of Section
16 25270.6, to report spills as required by Section 25270.8, or
17 otherwise to comply with the requirements of this chapter, is
18 subject to a civil penalty of not more than five thousand dollars
19 (\$5,000) for each day on which the violation continues. If the
20 owner or operator commits a second or subsequent violation, a
21 civil penalty of not more than ten thousand dollars (\$10,000) for
22 each day on which the violation continues may be imposed.

23 (b) (1) The civil penalties provided by this section may be
24 assessed and recovered in a civil action brought by the city attorney
25 or district attorney on behalf of the UPA.

26 (2) Fifty percent of all penalties assessed and recovered in a
27 civil action brought on behalf of a UPA pursuant to this subdivision
28 shall be deposited into a unified program account established by
29 the UPA for the purpose of carrying out the functions of the unified
30 program and 50 percent shall be paid to the office of the city
31 attorney or district attorney, whoever brought that action.

32 (c) (1) The civil penalties provided in this section may be
33 assessed and recovered in a civil action brought by the Attorney
34 General on behalf of the board or a regional board, or on behalf
35 of the people of the State of California.

36 (2) All penalties assessed and recovered in a civil action brought
37 pursuant to this subdivision shall be deposited in the Waste
38 Discharge Permit Fund. These moneys shall be separately
39 accounted for, and shall be expended by the board, upon
40 appropriation by the Legislature, to assist regional boards and other

1 public agencies with authority to clean up waste or abate the effects
2 of the waste, in cleaning up or abating the effects of the waste on
3 waters of the state, or for the purposes authorized in Section 13443.

4 (d) The city attorney, district attorney, or the Attorney General
5 may seek to enjoin, in any court of competent jurisdiction, any
6 person believed to be in violation of this chapter.

7 (e) The penalties specified in this section are in addition to any
8 other penalties provided by law.

9 SEC. 20. Section 25270.13 of the Health and Safety Code is
10 amended to read:

11 25270.13. (a) This chapter does not preempt local storage tank
12 ordinances, in effect as of August 16, 1989, that meet or exceed
13 the standards prescribed by this chapter.

14 (b) This chapter does not preempt the authority granted to the
15 board and the regional boards under the Porter Cologne Water
16 Quality Control Act (Division 7 (commencing with Section 13000)
17 of the Water Code).

18 SEC. 21. Section 25404 of the Health and Safety Code is
19 amended to read:

20 25404. (a) For purposes of this chapter, the following terms
21 shall have the following meanings:

22 (1) (A) “Certified Unified Program Agency” or “CUPA” means
23 the agency certified by the secretary to implement the unified
24 program specified in this chapter within a jurisdiction.

25 (B) “Participating Agency” or “PA” means a state or local
26 agency that has a written agreement with the CUPA pursuant to
27 subdivision (d) of Section 25404.3, and is approved by the
28 secretary, to implement or enforce one or more of the unified
29 program elements specified in subdivision (c), in accordance with
30 Sections 25404.1 and 25404.2.

31 (C) “Unified Program Agency” or “UPA” means the CUPA, or
32 its participating agencies to the extent each PA has been designated
33 by the CUPA, pursuant to a written agreement, to implement or
34 enforce a particular unified program element specified in
35 subdivision (c). The UPAs have the responsibility and authority
36 to implement and enforce the requirements listed in subdivision
37 (c), and the regulations adopted to implement the requirements
38 listed in subdivision (c), to the extent provided by Chapter 6.5
39 (commencing with Section 25100), Chapter 6.67 (commencing
40 with Section 25270), Chapter 6.7 (commencing with Section

1 25280), Chapter 6.95 (commencing with Section 25500), and
2 Sections 25404.1 and 25404.2. After a CUPA has been certified
3 by the secretary, the unified program agencies and the state
4 agencies carrying out responsibilities under this chapter shall be
5 the only agencies authorized to enforce the requirements listed in
6 subdivision (c) within the jurisdiction of the CUPA.

7 (2) "Department" means the Department of Toxic Substances
8 Control.

9 (3) "Minor violation" means the failure of a person to comply
10 with any requirement or condition of any applicable law,
11 regulation, permit, information request, order, variance, or other
12 requirement, whether procedural or substantive, of the unified
13 program that the UPA is authorized to implement or enforce
14 pursuant to this chapter, and that does not otherwise include any
15 of the following:

16 (A) A violation that results in injury to persons or property, or
17 that presents a significant threat to human health or the
18 environment.

19 (B) A knowing, willful, or intentional violation.

20 (C) A violation that is a chronic violation, or that is committed
21 by a recalcitrant violator. In determining whether a violation is
22 chronic or a violator is recalcitrant, the UPA shall consider whether
23 there is evidence indicating that the violator has engaged in a
24 pattern of neglect or disregard with respect to applicable regulatory
25 requirements.

26 (D) A violation that results in an emergency response from a
27 public safety agency.

28 (E) A violation that enables the violator to benefit economically
29 from the noncompliance, either by reduced costs or competitive
30 advantage.

31 (F) A class I violation as provided in Section 25117.6.

32 (G) A class II violation committed by a chronic or a recalcitrant
33 violator, as provided in Section 25117.6.

34 (H) A violation that hinders the ability of the UPA to determine
35 compliance with any other applicable local, state, or federal rule,
36 regulation, information request, order, variance, permit, or other
37 requirement.

38 (4) "Secretary" means the Secretary for Environmental
39 Protection.

1 (5) “Unified program facility” means all contiguous land and
2 structures, other appurtenances, and improvements on the land
3 that are subject to the requirements listed in subdivision (c).

4 (6) “Unified program facility permit” means a permit issued
5 pursuant to this chapter. For the purposes of this chapter, a unified
6 program facility permit encompasses the permitting requirements
7 of Section 25284, and any permit or authorization requirements
8 under any local ordinance or regulation relating to the generation
9 or handling of hazardous waste or hazardous materials, but does
10 not encompass the permitting requirements of a local ordinance
11 that incorporates provisions of the Uniform Fire Code or the
12 Uniform Building Code.

13 (b) The secretary shall adopt implementing regulations and
14 implement a unified hazardous waste and hazardous materials
15 management regulatory program, which shall be known as the
16 unified program, after holding an appropriate number of public
17 hearings throughout the state. The unified program shall be
18 developed in close consultation with the director, the Director of
19 the Office of Emergency Services, the State Fire Marshal, the
20 executive officers and chairpersons of the State Water Resources
21 Control Board and the California regional water quality control
22 boards, the local health officers, local fire services, and other
23 appropriate officers of interested local agencies, and affected
24 businesses and interested members of the public, including
25 environmental organizations.

26 (c) The unified program shall consolidate the administration of
27 the following requirements, and shall, to the maximum extent
28 feasible within statutory constraints, ensure the coordination and
29 consistency of any regulations adopted pursuant to those
30 requirements:

31 (1) (A) Except as provided in subparagraphs (B) and (C), the
32 requirements of Chapter 6.5 (commencing with Section 25100),
33 and the regulations adopted by the department pursuant thereto,
34 are applicable to all of the following:

35 (i) Hazardous waste generators, persons operating pursuant to
36 a permit-by-rule, conditional authorization, or conditional
37 exemption, pursuant to Chapter 6.5 (commencing with Section
38 25100) or the regulations adopted by the department.

39 (ii) Persons managing perchlorate materials.

1 (iii) Persons subject to Article 10.1 (commencing with Section
2 25211) of Chapter 6.5.

3 (B) The unified program shall not include the requirements of
4 paragraph (3) of subdivision (c) of Section 25200.3, the
5 requirements of Sections 25200.10 and 25200.14, and the authority
6 to issue an order under Sections 25187 and 25187.1, with regard
7 to those portions of a unified program facility that are subject to
8 one of the following:

9 (i) A corrective action order issued by the department pursuant
10 to Section 25187.

11 (ii) An order issued by the department pursuant to Chapter 6.8
12 (commencing with Section 25300) or Chapter 6.85 (commencing
13 with Section 25396).

14 (iii) A remedial action plan approved pursuant to Chapter 6.8
15 (commencing with Section 25300) or Chapter 6.85 (commencing
16 with Section 25396).

17 (iv) A cleanup and abatement order issued by a California
18 regional water quality control board pursuant to Section 13304 of
19 the Water Code, to the extent that the cleanup and abatement order
20 addresses the requirements of the applicable section or sections
21 listed in this subparagraph.

22 (v) Corrective action required under subsection (u) of Section
23 6924 of Title 42 of the United States Code or subsection (h) of
24 Section 6928 of Title 42 of the United States Code.

25 (vi) An environmental assessment pursuant to Section 25200.14
26 or a corrective action pursuant to Section 25200.10 or paragraph
27 (3) of subdivision (c) of Section 25200.3, that is being overseen
28 by the department.

29 (C) The unified program shall not include the requirements of
30 Chapter 6.5 (commencing with Section 25100), and the regulations
31 adopted by the department pursuant thereto, applicable to persons
32 operating transportable treatment units, except that any required
33 notice regarding transportable treatment units shall also be provided
34 to the CUPAs.

35 (2) The requirements of Chapter 6.67 (commencing with Section
36 25270) concerning aboveground storage tanks.

37 (3) (A) Except as provided in subparagraphs (B) and (C), the
38 requirements of Chapter 6.7 (commencing with Section 25280)
39 concerning underground storage tanks and the requirements of any
40 underground storage tank ordinance adopted by a city or county.

1 (B) The unified program may not include the responsibilities
2 assigned to the State Water Resources Control Board pursuant to
3 Section 25297.1.

4 (C) The unified program may not include the corrective action
5 requirements of Sections 25296.10 to 25296.40, inclusive.

6 (4) The requirements of Article 1 (commencing with Section
7 25500) of Chapter 6.95 concerning hazardous material release
8 response plans and inventories.

9 (5) The requirements of Article 2 (commencing with Section
10 25531) of Chapter 6.95, concerning the accidental release
11 prevention program.

12 (6) The requirements of subdivisions (b) and (c) of Section
13 80.103 of the Uniform Fire Code, as adopted by the State Fire
14 Marshal pursuant to Section 13143.9 concerning hazardous material
15 management plans and inventories.

16 (d) To the maximum extent feasible within statutory constraints,
17 the secretary shall consolidate, coordinate, and make consistent
18 these requirements of the unified program with other requirements
19 imposed by other federal, state, regional, or local agencies upon
20 facilities regulated by the unified program.

21 (e) (1) The secretary shall establish standards applicable to
22 CUPAs, participating agencies, state agencies, and businesses
23 specifying the data to be collected and submitted by unified
24 program agencies in administering the programs listed in
25 subdivision (c). Those standards shall incorporate any standard
26 developed under Section 25503.3.

27 (2) The secretary shall establish an electronic geographic
28 information management system capable of receiving all data
29 collected by the unified program agencies pursuant to this
30 subdivision and Section 25504.1. The secretary shall make all
31 nonconfidential data available on the Internet.

32 (3) (A) As funding becomes available, the secretary shall
33 establish, consistent with paragraph (2), and thereafter maintain,
34 a statewide database.

35 (B) The secretary, or one or more of the boards, departments,
36 or offices within the California Environmental Protection Agency,
37 shall seek available federal funding for purposes of implementing
38 this subdivision.

39 (4) Once the statewide database is established, the secretary
40 shall work with the CUPAs to develop a phased-in schedule for

the electronic collection and submittal of information to be included in the statewide database, giving first priority to information relating to those chemicals determined by the secretary to be of greatest concern. The secretary, in making this determination shall consult with the CUPAs, the Office of Emergency Services, the State Fire Marshal, and the boards, departments, and offices within the California Environmental Protection Agency. The information initially included in the statewide database shall include, but is not limited to, the hazardous materials inventory information required to be submitted pursuant to Section 25504.1 for perchlorate materials.

SEC. 22. Section 25404.1.1 of the Health and Safety Code is amended to read:

25404.1.1. (a) If the unified program agency determines that a person has committed, or is committing, a violation of any law, regulation, permit, information request, order, variance, or other requirement that the UPA is authorized to enforce or implement pursuant to this chapter, the UPA may issue an administrative enforcement order requiring that the violation be corrected and imposing an administrative penalty, in accordance with the following:

(1) Except as provided in paragraph (5), if the order is for a violation of Chapter 6.5 (commencing with Section 25100), the violator shall be subject to the applicable administrative penalties provided by that chapter.

(2) If the order is for a violation of Chapter 6.7 (commencing with Section 25280), the violator shall be subject to the applicable civil penalties provided in subdivisions (a), (b), (c), and (e) of Section 25299.

(3) If the order is for a violation of Article 1 (commencing with Section 25500) of Chapter 6.95, the violator shall be subject to a penalty that is consistent with the administrative penalties imposed pursuant to Section 25514.5.

(4) If the order is for a violation of Article 2 (commencing with Section 25531) of Chapter 6.95, the violator shall be subject to a penalty that is consistent with the administrative penalties imposed pursuant to Section 25540 or 25540.5.

(5) If the order is for a violation of Section 25270.4.5, the violator shall be liable for a penalty of not more than five thousand dollars (\$5,000) for each day on which the violation continues. If

1 the violator commits a second or subsequent violation, a penalty
2 of not more than ten thousand dollars (\$10,000) for each day on
3 which the violation continues may be imposed.

4 (b) In establishing a penalty amount and ordering that the
5 violation be corrected pursuant to this section, the UPA shall take
6 into consideration the nature, circumstances, extent, and gravity
7 of the violation, the violator's past and present efforts to prevent,
8 abate, or clean up conditions posing a threat to the public health
9 or safety or the environment, the violator's ability to pay the
10 penalty, and the deterrent effect that the imposition of the penalty
11 would have on both the violator and the regulated community.

12 (c) Any order issued pursuant to this section shall be served by
13 personal service or certified mail and shall inform the person served
14 of the right to a hearing. If the UPA issues an order pursuant to
15 this section, the order shall state whether the hearing procedure
16 specified in paragraph (2) of subdivision (e) may be requested by
17 the person receiving the order.

18 (d) Any person served with an order pursuant to this section
19 who has been unable to resolve any violation with the UPA, may
20 within 15 days after service of the order, request a hearing pursuant
21 to subdivision (e) by filing with the UPA a notice of defense. The
22 notice shall be filed with the office that issued the order. A notice
23 of defense shall be deemed filed within the 15-day period provided
24 by this subdivision if it is postmarked within that 15-day period.
25 If no notice of defense is filed within the time limits provided by
26 this subdivision, the order shall become final.

27 (e) Except as provided in subparagraph (B) of paragraph (2), a
28 person requesting a hearing on an order issued by the UPA under
29 this section may select the hearing officer specified in either
30 paragraph (1) or (2) in the notice of defense filed with the UPA
31 pursuant to subdivision (d). If a notice of defense is filed but no
32 hearing officer is selected, the UPA may select the hearing officer.
33 Within 90 days of receipt of the notice of defense by the UPA, the
34 hearing shall be scheduled using one of the following:

35 (1) An administrative law judge of the Office of Administrative
36 Hearings of the Department of General Services, who shall conduct
37 the hearing in accordance with Chapter 4.5 (commencing with
38 Section 11400) of Part 1 of Division 3 of Title 2 of the Government
39 Code, and the UPA shall have all the authority granted to an agency
40 by those provisions.

1 (2) (A) A hearing officer designated by the UPA, who shall
2 conduct the hearing in accordance with Chapter 4.5 (commencing
3 with Section 11400) of Part 1 of Division 3 of Title 2 of the
4 Government Code, and the UPA shall have all the authority granted
5 to an agency by those provisions. When a hearing is conducted by
6 a UPA hearing officer pursuant to this paragraph, the UPA shall
7 issue a decision within 60 days after the hearing is conducted. Each
8 hearing officer designated by a UPA shall meet the requirements
9 of Section 11425.30 of the Government Code and any other
10 applicable restriction.

11 (B) A UPA, or a person requesting a hearing on an order issued
12 by a UPA may select the hearing process specified in this paragraph
13 in a notice of defense filed pursuant to subdivision (d) only if the
14 UPA has, as of the date the order is issued pursuant to subdivision
15 (c), selected a designated hearing officer and established a program
16 for conducting a hearing in accordance with this paragraph.

17 (f) The hearing decision issued pursuant to paragraph (2) of
18 subdivision (e) shall be effective and final upon issuance by the
19 UPA. A copy of the decision shall be served by personal service
20 or by certified mail upon the party served with the order, or their
21 representative, if any.

22 (g) Any provision of an order issued under this section, except
23 the imposition of an administrative penalty, shall take effect upon
24 issuance by the UPA if the UPA finds that the violation or
25 violations of law associated with that provision may pose an
26 imminent and substantial endangerment to the public health or
27 safety or the environment. A request for a hearing shall not stay
28 the effect of that provision of the order pending a hearing decision.
29 However, if the UPA determines that any or all provisions of the
30 order are so related that the public health or safety or the
31 environment can be protected only by immediate compliance with
32 the order as a whole, the order as a whole, except the imposition
33 of an administrative penalty, shall take effect upon issuance by
34 the UPA. A request for a hearing shall not stay the effect of the
35 order as a whole pending a hearing decision.

36 (h) A decision issued pursuant to paragraph (2) of subdivision
37 (e) may be reviewed by a court pursuant to Section 11523 of the
38 Government Code. In all proceedings pursuant to this section, the
39 court shall uphold the decision of the UPA if the decision is based
40 upon substantial evidence in the record as a whole. The filing of

1 a petition for writ of mandate shall not stay any action required
2 pursuant to this chapter or the accrual of any penalties assessed
3 pursuant to this chapter. This subdivision does not prohibit the
4 court from granting any appropriate relief within its jurisdiction.

5 (i) All administrative penalties collected from actions brought
6 by a UPA pursuant to this section shall be paid to the UPA that
7 imposed the penalty, and shall be deposited into a special account
8 that shall be expended to fund the activities of the UPA in enforcing
9 this chapter.

10 (j) The UPA shall consult with the district attorney, county
11 counsel, or city attorney on the development of policies to be
12 followed in exercising the authority delegated pursuant to this
13 section as it relates to the authority of the UPA to issue orders.

14 (k) (1) A unified program agency may suspend or revoke any
15 unified program facility permit, or an element of a unified program
16 facility permit, for not paying the permit fee or a fine or penalty
17 associated with the permit in accordance with the procedures
18 specified in this subdivision.

19 (2) If a permittee does not comply with a written notice from
20 the unified program agency to the permittee to make the payments
21 specified in paragraph (1) by the required date provided in the
22 notice, the unified program agency may suspend or revoke the
23 permit or permit element. If the permit or permit element is
24 suspended or revoked, the permittee shall immediately discontinue
25 operating that facility or function of the facility to which the permit
26 element applies until the permit is reinstated or reissued.

27 (3) A permittee may request a hearing to appeal the suspension
28 or revocation of a permit or element of a permit pursuant to this
29 subdivision by requesting a hearing using the procedures provided
30 in subdivision (d).

31 (l) This section does not do any of the following:

32 (1) Otherwise affect the authority of a UPA to take any other
33 action authorized by any other provision of law, except the UPA
34 shall not require a person to pay a penalty pursuant to this section
35 and pursuant to a local ordinance for the same violation.

36 (2) Restrict the power of a city attorney, district attorney, county
37 counsel, or the Attorney General to bring, in the name of the people
38 of California, any criminal proceeding otherwise authorized by
39 law.

1 (3) Prevent the UPA from cooperating with, or participating in,
2 a proceeding specified in paragraph (2).

3 SEC. 23. Section 25404.5 of the Health and Safety Code is
4 amended to read:

5 25404.5. (a) (1) Each certified unified program agency shall
6 institute a single fee system, which shall replace the fees levied
7 pursuant to Sections 25201.14 and 25205.14, except for
8 transportable treatment units permitted under Section 25200.2,
9 and which shall also replace any fees levied by a local agency
10 pursuant to Sections 25143.10, ~~25270.6~~, 25287, 25513, and
11 25535.5, or any other fee levied by a local agency specifically to
12 fund the implementation of the provisions specified in subdivision
13 (c) of Section 25404. *The single fee system shall additionally*
14 *include the fee established pursuant to Section 25270.6.*
15 Notwithstanding Sections 25143.10, 25201.14, ~~25270.6~~, 25287,
16 25513, and 25535.5, a person who complies with the certified
17 unified program agency's "single fee system" fee shall not be
18 required to pay any fee levied pursuant to those sections, except
19 for transportable treatment units permitted under Section 25200.2.

20 (2) (A) The governing body of the local certified unified
21 program agency shall establish the amount to be paid by each
22 person regulated by the unified program under the single fee system
23 at a level sufficient to pay the necessary and reasonable costs
24 incurred by the certified unified program agency and by any
25 participating agency pursuant to the requirements of subparagraph
26 (E) of paragraph (1) of subdivision (d) of Section 25404.3.

27 (B) The secretary shall establish the amount to be paid when
28 the unified program agency is a state agency.

29 (3) The fee system may also be designed to recover the
30 necessary and reasonable costs incurred by the certified unified
31 program agency, or a participating agency pursuant to the
32 requirements of subparagraph (E) of paragraph (1) of subdivision
33 (d) of Section 25404.3, in administering provisions other than
34 those specified in subdivision (c) of Section 25404, if the
35 implementation and enforcement of those provisions has been
36 incorporated as part of the unified program by the certified unified
37 program agency pursuant to subdivision (b) of Section 25404.2,
38 and if the single fee system replaces any fees levied as of January
39 1, 1994, to fund the implementation of those additional provisions.

1 (4) The amount to be paid by a person regulated by the unified
2 program may be adjusted to account for the differing costs of
3 administering the unified program with respect to that person's
4 regulated activities.

5 (b) (1) Except as provided in subdivision (d), the single fee
6 system instituted by each certified unified program agency shall
7 include an assessment on each person regulated by the unified
8 program of a surcharge, the amount of which shall be determined
9 by the secretary annually, to cover the necessary and reasonable
10 costs of the state agencies in carrying out their responsibilities
11 under this chapter. The secretary may adjust the amount of the
12 surcharge to be collected by different certified unified program
13 agencies to reflect the different costs incurred by the state agencies
14 in supervising the implementation of the unified program in
15 different jurisdictions, and in supervising the implementation of
16 the unified program in those jurisdictions for which the secretary
17 has waived the assessment of the surcharge pursuant to subdivision
18 (d). The certified unified program agency may itemize the amount
19 of the surcharge on any bill, invoice, or return that the agency
20 sends to a person regulated by the unified program. Each certified
21 unified program agency shall transmit all surcharge revenues
22 collected to the secretary on a quarterly basis. The surcharge shall
23 be deposited in the Unified Program Account, which is hereby
24 created in the General Fund and which may be expended, upon
25 appropriation by the Legislature, by state agencies for the purposes
26 of implementing this chapter.

27 (2) On or before January 10, 2001, the secretary shall report to
28 the Legislature on whether the number of persons subject to
29 regulation by the unified program in any county is insufficient to
30 support the reasonable and necessary cost of operating the unified
31 program using only the revenues from the fee. The secretary's
32 report shall consider whether the surcharge required by subdivision
33 (a) should include an assessment to be used to supplement the
34 funding of unified program agencies that have a limited number
35 of entities regulated under the unified program.

36 (c) Each certified unified program agency and the secretary
37 shall, before the institution of the single fee system and the
38 assessment of the surcharge, implement a fee accountability
39 program designed to encourage more efficient and cost-effective
40 operation of the program for which the single fee and surcharge

1 are assessed. The fee accountability programs shall include those
2 elements of the requirements of the plan adopted pursuant to former
3 Section 25206, as it read on January 1, 1995, that the secretary
4 determines are appropriate.

5 (d) The secretary may waive the requirement for a county to
6 assess a surcharge pursuant to subdivision (b), if both of the
7 following conditions apply:

8 (1) The county meets all of the following conditions:

9 (A) The county submits an application to the secretary for
10 certification on or before January 1, 1996, that incorporates all of
11 the requirements of this chapter, and includes the county's request
12 for a waiver of the surcharge, and contains documentation that
13 demonstrates, to the satisfaction of the secretary, both of the
14 following:

15 (i) That the assessment of the surcharge will impose a significant
16 economic burden on most businesses within the county.

17 (ii) That the combined dollar amount of the surcharge and the
18 single fee system to be assessed by the county pursuant to
19 subdivision (a) exceeds the combined dollar amount of all existing
20 fees that are replaced by the single fee system for most businesses
21 within the county.

22 (B) The application for certification, including the information
23 required by subparagraph (A), is determined by the secretary to
24 be complete, on or before April 30, 1996. The secretary, for good
25 cause, may grant an extension of that deadline of up to 90 days.

26 (C) The county is certified by the secretary on or before
27 December 31, 1996.

28 (D) On or before January 1, 1994, the county completed the
29 consolidation of the administration of the hazardous waste
30 generator program, the hazardous materials release response plans
31 and inventories program, and the underground storage tank
32 program, referenced in paragraphs (1), (3), and (4) of subdivision
33 (c) of Section 25404, into a single program within the county's
34 jurisdiction.

35 (E) The county demonstrates that it will consolidate the
36 administration of all programs specified in subdivision (c) of
37 Section 25404, and that it will also consolidate the administration
38 of at least one additional program that regulates hazardous waste,
39 hazardous substances, or hazardous materials, as specified in
40 subdivision (d) of Section 25404.2, other than the programs

1 specified in subdivision (c) of Section 25404, into a single program
2 to be administered by a single agency in the county's jurisdiction
3 at the time that the county's certification by the secretary becomes
4 effective.

5 (2) The secretary makes all of the following findings:

6 (A) The county meets all of the criteria specified in paragraph

7 (1).

8 (B) The assessment of the surcharge would impose a significant
9 economic burden on most businesses within the county.

10 (C) The combined dollar amount of the surcharge and the single
11 fee system to be assessed by the county pursuant to subdivision
12 (a) would exceed the combined dollar amount of all existing fees
13 that are replaced by the single fee system for most businesses
14 within the county.

15 (D) The waiver of the surcharge for those counties applying for
16 and qualifying for a waiver, and the resulting increase in the
17 surcharge for other counties, would not, when considered
18 cumulatively, impose a significant economic burden on businesses
19 in any other county that does not apply for, or does not meet the
20 criteria for, a waiver of the surcharge.

21 (e) The secretary shall review all of the requests for a waiver
22 of the surcharge made pursuant to subdivision (d) simultaneously,
23 so as to adequately assess the cumulative impact of granting the
24 requested waivers on businesses in those counties that have not
25 applied, or do not qualify, for a waiver, and shall grant or deny all
26 requests for a waiver of the surcharge within 30 days from the date
27 that the secretary certifies all counties applying, and qualifying,
28 for a waiver. If the secretary finds that the grant of a waiver of the
29 surcharge for all counties applying and qualifying for the waiver
30 will impose a significant economic burden on businesses in one
31 or more other counties, the secretary shall take either of the
32 following actions:

33 (1) Deny all of the applications for a waiver of the surcharge.

34 (2) Approve only a portion of the waiver requests for counties
35 meeting the criteria set forth in subdivision (d), to the extent that
36 the approved waivers, when taken as a whole, meet the condition
37 specified in subparagraph (D) of paragraph (2) of subdivision (d).
38 In determining which of the counties' waiver requests to grant,
39 the secretary shall consider all of the following factors:

1 (A) The relative degree to which the assessment of the surcharge
2 will impose a significant economic burden on most businesses
3 within each county applying and qualifying for a waiver.

4 (B) The relative degree to which the combined dollar amount
5 of the surcharge and the single fee system to be assessed, pursuant
6 to subdivision (a), by each county applying and qualifying for a
7 waiver exceeds the combined dollar amount of all existing fees
8 that are replaced by the single fee system for most businesses
9 within the county.

10 (C) The relative extent to which each county applying and
11 qualifying for a waiver has incorporated, or will incorporate, upon
12 certification, additional programs pursuant to subdivision (d) of
13 Section 25404.2, into the unified program within the county's
14 jurisdiction.

15 (f) The secretary may, at any time, terminate a county's waiver
16 of the surcharge granted pursuant to subdivisions (d) and (e) if the
17 secretary determines that the criteria specified in subdivision (d)
18 for the grant of a waiver are no longer met.

19 *SEC. 24. Section 25503.4 of the Health and Safety Code is*
20 *amended to read:*

21 25503.4. (a) The office shall adopt a format that allows
22 persons subject to two or more of the following requirements to
23 meet those requirements in one document:

24 (1) The business plan required by this chapter.

25 (2) The risk management and prevention program *plan* required
26 by Section 25534.

27 (3) The contingency plan required by Division 4.5 (commencing
28 with Section 66001) of Title 22 of the California Code of
29 Regulations and by Part 262 (commencing with Section 262.10),
30 Part 264 (commencing with Section 264.1), or Part 265
31 (commencing with Section 265.1) of Title 40 of the Code of
32 Federal Regulations.

33 (4) The spill prevention control and countermeasure plan
34 required by Section ~~25270.5~~ 25270.4.5 and by Part 112
35 (commencing with Section 112.1) or by ~~Part 1510 (commencing~~
36 ~~with Section 1510.1)~~ Part 300 (commencing with Section 300.1)
37 of Title 40 of the Code of Federal Regulations.

38 (5) Any accident or spill prevention plan or response plan
39 required by Chapter 6.7 (commencing with Section 25280) or by

1 regulations adopted pursuant to that chapter or required by an
2 underground storage tank ordinance adopted by a city or county.

3 (6) The interim marine facility oil spill contingency plan
4 required by Section 8670.29 of the Government Code and the
5 marine facility oil spill contingency plan required by Section
6 8670.31 of the Government Code.

7 (b) The format required by subdivision (a) shall be organized
8 as follows:

9 (1) A central element that will enable persons using the format
10 to report information and data common to all of the requirements
11 described in subdivision (a).

12 (2) Appendices that will contain the additional information
13 unique to each individual requirement described in subdivision
14 (a).

15 (c) The office shall adopt the format required by subdivision
16 (a) in consultation with administering agencies and the Information
17 Management Subcommittee of the Chemical Emergency Planning
18 and Response Commission and in cooperation with the State Water
19 Resources Control Board, the Department of Fish and Game, and
20 the department. The adoption of the format is not subject to Chapter
21 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
22 Title 2 of the Government Code and shall be completed by January
23 1, 1995. To the extent feasible, and within the limits of budgetary
24 constraints, the office, the State Water Resources Control Board,
25 the Department of Fish and Game, and the department shall
26 convene workshops and other public meetings to obtain public
27 assistance on the development of the format.

28 ~~SEC. 24.~~

29 *SEC. 25.* No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 a local agency or school district has the authority to levy service
32 charges, fees, or assessments sufficient to pay for the program or
33 level of service mandated by this act, within the meaning of Section
34 17556 of the Government Code.