

An ordinance amending and adding various sections to Chapter V of the Los Angeles Municipal Code to accommodate the City's status as a Certified Unified Program Agency (CUPA) under State law to permit the establishment of fees for the Unified Program.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 57.04.03 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.04.03. PERMITS REQUIRED.

No person or owner shall use any premises or engage in any activities described herein without having obtained a Permit pursuant to this section. Occupancies listed in this section shall not be required to have an additional Permit for hazardous materials when the Chief determines that such materials are essential to the operation of the business. A Permit shall be required to operate or maintain the following:

1. Aircraft Fueling Station
2. Aircraft Refueller
3. Airport Fueling System
4. Airport, Private
5. Assembly Occupancy (Place of Assemblage)
6. Atmospheric Aboveground Tank exceeding 60 gallons capacity containing hazardous material or hazardous waste.
7. Bulk Distributing Station
8. Central Station Signaling System
9. Church: Original fee only
10. Community Care Facility (Serving more than 6 persons)
11. Cylinder Filling Plant
12. Day Care: Non-residential buildings for more than six children. Any residential building for more than 12 children.
13. Dry Cleaning Plant
14. Hazardous Materials: To store, process, or use materials above ground of the type and in the amounts exceeding those set forth in Table 4-A of this division or exceeding the Permit amounts for hazardous materials in L.A.F.D. Standard No. 68.
15. Heliport

EXCEPTION:

Heliports used only as emergency helicopter landing facilities on high-rise buildings, as required by the Department.

16. Hospital
17. Hotel
18. Laboratory using hazardous materials: Only one Laboratory Permit shall be required for all buildings or structures operated by same permittee at the same location.
19. Marine Oil Terminal
20. Marine Service Station
21. Natural Gasoline Plant
22. Oil Well
23. Refinery
24. Residential Occupancies defined as: R2.1, R2.2, R6.1, or R6.2 occupancies.
25. School
26. Service Center For Armed Forces Personnel: (Original fee only)
27. Special School
28. Surgical Center
29. Theater
30. Theater, Little
31. Theater, Motion Picture

Sec. 2. Section 57.04.05 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.04.05. APPLICATION FOR PERMITS.

A. Filing: All applications for Permits required by this division shall be filed with the City Clerk and shall be in writing on forms provided by the City Clerk. Such applications shall be accompanied by the Permit fees required by this article.

B. Contents of Application: Applications for Permits required by this division shall, unless otherwise required by the Department, contain the following information:

1. The name and address of the applicant;
 - a. A description of the property by street and number wherein or whereon the applicant proposes to engage in the business, operation, or to occupy the premises for which the Permit is required, and if the same has no street number, then such description as will enable it to be easily located.
 - b. A statement signed by the applicant or the applicant's authorized representative signifying the applicant is in charge of such business, operation, occupation, or premises, and agrees to comply

with all regulations, laws, or ordinances pertaining thereto;

2. If the application is for a Permit to store, process, or use hazardous materials, above ground of the type and in the amounts exceeding those set forth in Table 4-A of this division or exceeding the Permit amounts for hazardous materials in L.A.F.D. Standard No. 68, it shall state thereon the maximum aggregate quantity of such materials which the applicant intends to store, process, or use at any time and the business shall comply with all inventory reporting and business plan requirements in Division 8.

3. If the application is for a Permit for assembly occupancies, it shall be accompanied by three copies of a floor plan which clearly indicates the maximum capacity for the proposed use. The plans shall be drawn to scale and show all seats, cross aisles, and exit doorways in accordance with the provisions of this article.

Sec. 3. Section 57.04.08 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.04.08. PERMITS - POSTING AND KEEPING.

Posting and Keeping. Each valid Permit issued pursuant to the provisions of this division shall be posted in a conspicuous place on the premises for which the same is issued. Persons engaged in the business of operating or maintaining any oil well shall keep the Permit available for inspection at the main office or principal place of business of the permittee.

Sec. 4. Section 57.04.10 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.04.10. PERMITS - VALIDITY.

Unless otherwise set forth on the face of the Permit, every Permit issued in accordance with the provisions of this division shall be valid for the year stated, or until voided, revoked, or suspended.

Sec. 5. The fifth unnumbered paragraph of Subsection C of Section 57.04.12 of the Los Angeles Municipal Code is hereby amended to read:

Those items to which this procedure applies include:

1. Aircraft Fueling Station
2. Aircraft Refueller
3. Airport, Private

4. Airport Fueling System
5. Assembly Occupancy
6. Atmospheric Aboveground Tank exceeding 10,000 gallons capacity containing hazardous materials or hazardous waste.
EXCEPTION: Atmospheric Aboveground Tanks that are associated with an Oil Well
7. Boarding Home
8. Bulk Distributing Station
9. Central Station Signaling System: To engage in the business of providing an alarm service for fire protective signaling systems.
10. Church (Original fee only)
11. Cylinder Filling Plant
12. Day Care
13. Dry Cleaning Plant
14. Hazardous Materials: To store, process, or use materials above ground of the type and in the amounts exceeding those set forth in Table 4-A of this Division or exceeding the Permit amounts for hazardous materials in L.A.F.D. Standard No. 68.
15. Heliport
16. Hospital
17. Hotel
 - a. Without place of assemblage
 - b. With one place of assemblage
 - c. With more than one place of assemblage
18. Laboratory
 - a. Class A
 - b. Class B
19. Marine Oil Terminal
20. Marine Service Station
21. Natural Gasoline Plant
22. Oil Well:
 - a. Any oil well in the Los Angeles City Oil Field which has been producing oil for more than 15 years prior to January 1, 1960.
 - b. Any other oil well.
23. Refinery
24. Residential Occupancies defined as R2.1, R2.2, R6.1, or R6.2 occupancies.
25. School
26. Service Center For Armed Forces Personnel (Original fee only)
27. Special School
28. Theater
29. Theater, Little
30. Theater, Motion Picture
31. Variances, as provided by Section 57.01.28 of this article.
32. Rate for four hours, or fraction thereof, investigations and tests required as provided in Section 57.01.30 of this article.

33. Assignment of a fire safety officer as provided by Section 57.01.32 of this article.
34. Applications for General Approval as provided by Section 57.05.15 of this article.
35. Applications for Permits as provided by Section 57.05.31 and 57.10.05 of this article.
36. Certificates of Fitness as provided by Section 57.06.15 of this article.

Sec. 6. Division 8 of Article 7 of Chapter V of the Los Angeles Municipal Code is hereby amended to read

**DIVISION 8
HAZARDOUS MATERIALS RELEASE RESPONSE PLANS
AND INVENTORY STATEMENTS**

SEC. 57.08.01. SCOPE.

This division sets forth the requirements concerning the administration and regulation of the Hazardous Materials Release Response Plans (HMRRP) and Inventory reporting requirements pursuant to the requirements of Article 1 (commencing with Section 25501) of the California Health and Safety Code Division 20, Chapter 6.95, and the Uniform Fire Code Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) requirements of L.A.F.D. Standard No. 68, for businesses located in the City of Los Angeles.

SEC. 57.08.02. DEFINITIONS.

The following words or group of words, when used in this division, shall be defined as follows:

Act - Chapter 6.95, Article 1, commencing with Sections 25500 through 25520, of Division 20 of the California Health and Safety Code, setting forth the State provisions enacting Business Plans.

Authorization - An acknowledgment of compliance for an individual Unified Program element.

Business – Any employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, association, institution or public agency. The term business shall include both for profit and nonprofit enterprises.

Business Plan - A separate Hazardous Materials Release Response Plan (HMRRP) and Inventory for each facility, site, or branch of a business which meets the requirements of Section 25504 of the Act.

Chemical Name – The scientific designation of a substance in accordance with the International Union of Pure and Applied Chemistry or in accordance with the system developed by the Chemical Abstracts Service.

Certification Statement - A statement signed by the business owner, operator, or officially designated representative that attests to all of the following:

- (1) The information contained in the annual inventory form most recently submitted to the administering agency is complete, accurate, and up to date.
- (2) There has been no change in the quantity of any hazardous material as reported in the most recently submitted annual inventory form.
- (3) No hazardous materials subject to the inventory requirements of this chapter are being handled that are not listed on the most recently submitted annual inventory form.
- (4) The most recently submitted annual inventory form contains the information required by Section 11022 of Title 42 of the United States Code.

Common Name – The designation or identification commonly used to identify a substance other than by its chemical name including, but not limited to, a code name, code number, trade name, or brand name.

Extremely Hazardous Substance (EHS) - Any chemical designated an extremely hazardous substance as listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.

Handle – Includes generate, sell, possess, process, store, discharge, dispose or use.

Handler - Includes any business which handles a hazardous material.

Hazardous Material or Hazardous Substance – Includes any one or more of the following:

1. Any hazardous material, as defined in Section 57.02.02 of this article, including, but not limited to, any combustible liquid, any irritant, any strong sensitizer which generates pressure through exposure to heat, decomposition or other means, any radioactive substance, or any substance which is air-reactive, corrosive, explosive, flammable, oxidizing, toxic, unstable or water-reactive.

2. Any substance identified on the list of hazardous substances prepared by the Director of the Department of Industrial Relations pursuant to Section 6382 of the Labor Code, as set forth in Section 339 of Title 8 of the California Administrative Code, including, but not limited to carcinogens, toxic or hazardous water pollutants, hazardous air pollutants, airborne chemical contaminants, restricted pesticides or toxic materials.

3. Any substance identified on the list of hazardous or extremely hazardous wastes prepared by the Director of the Department of Health Services pursuant to Section 25140 of the Health and Safety Code, as set forth in Section 66680 of Title 22 of the California Administrative Code, including, but not limited to, wastes which could cause death, contribute to an increase in incapacitating or irreversible illness or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed or otherwise managed.

4. Any substance which has been determined to be hazardous, based upon an appraisal or assessment by the business using the substance conducted pursuant to the requirements of the United States Environmental Protection Agency or the California Department of Health Services.

5. Any substance which is known by the business handling it to be likely to pose a significant present or potential hazard to public health, safety or the environment.

6. Any substance determined by the Chief to pose a significant present or potential hazard to public health, safety or the environment.

Owner Of Business – includes any officer, director, supervisor, or other person having discretionary, as distinguished from ministerial, responsibility for a business at the address set forth in the Permit.

On-site Manager – The person or persons who directs or controls a business at a particular location or site.

Property Owner - Includes any person, association, partnership, firm, corporation, or public entity appearing as the holder of title on any property as shown on the records of the City Clerk or on the last property assessment roll of the County of Los Angeles.

Release - Includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency.

SIC Code - The identification number assigned by the Standard Industrial Classification Code to specific types of businesses.

Threatened Release - Includes, but is not limited to, any condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or to the environment.

Trade Secret – Includes, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

SEC. 57.08.03. PERMIT REQUIRED.

It shall be the duty of each on-site manager and the owner of a business, as well as the property owner, to assure compliance with the following provisions:

A. Each business that handles or intends to handle a hazardous material or a mixture containing a hazardous material in the City which has a quantity at any one time during the reporting year equal to, or greater than, a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for a compressed gas; or exceeds the applicable federal threshold planning quantity for an Extremely Hazardous Substance specified in Title 40, Code of Federal Regulations, Part 355, Appendix A; or exceeds the Permit amounts for hazardous materials in L.A.F.D. Standard No. 68, shall file an application for, and obtain a Division 14 Unified Program Facility Permit with the proper authorization listed for the Hazardous Materials Release Response Plan (HMRRP) and Inventory Program element as required by this division. Existing unified program facilities with existing authorizations for other unified program elements, shall file an application to amend their existing Division 14 Unified Program Facility Permit to include the HMRRP authorization. Division 14 Unified Program Facility Permits with HMRRP authorizations shall be obtained on or before the first day the business starts handling such substance and shall be renewed annually.

B. A Division 14 Unified Program Facility Permit with the HMRRP authorization shall be valid only for the business designated on the Permit by the City. A separate Permit shall be required for each business location having a separate street address.

C. The issuance of a Division 14 Unified Program Facility Permit with the HMRRP authorization required by this division does not authorize or permit the handling of hazardous substances, nor does it except or exempt the holder from compliance with, or affect in any way the applicability of, any other federal, state, or local law, rule, or regulation governing hazardous substances.

SEC. 57.08.06. REQUIREMENTS FOR BUSINESS PLANS AND INVENTORIES.

A. In addition to the requirements of Section 57.14.04. of this Code, each business shall prepare and submit a business plan as required by this Division or the Act.

B. Business plans shall include, but not be limited to, the following information:

1. Inventory

The annual inventory form shall include, but shall not be limited to, information on all of the following which are handled in quantities equal to or greater than the quantities specified in this Division or the Act:

(a) A listing of the chemical name and common names of every hazardous substance or chemical product handled by the business.

(b) The category of waste, including the general chemical and mineral composition of the waste listed by probable maximum and minimum concentrations, of every hazardous waste handled by the business.

(c) A listing of the chemical name and common names of every other hazardous material or mixture containing a hazardous material handled by the business which is not otherwise listed pursuant to paragraph (a) or (b).

(d) The maximum amount of each hazardous material or mixture containing a hazardous material disclosed in paragraphs (a), (b), and (c) which is handled at any one time by the business over the course of the year.

(e) Sufficient information on how and where the hazardous materials disclosed in paragraphs (a), (b), and (c) are handled by the business to allow fire, safety, health, and other appropriate personnel to prepare adequate emergency responses to potential releases of the

hazardous materials.

(f) The SIC Code number of the business if applicable.

(g) The name and phone number of the person representing the business and able to assist emergency personnel in the event of an emergency involving the business during nonbusiness hours.

2. Emergency Response Plans and Procedures

The business plan shall include the following emergency response procedures for a release or threatened release of hazardous materials, which shall be reasonable and appropriate for the size and nature of the business, the nature of the damage potential of the hazardous materials handled, and the proximity of the business to residential areas and other populations:

(a) immediate notification of:

- (i) local emergency response personnel;
- (ii) the Department and the State OES;
- (iii) persons within the facility who are necessary to respond to an incident;

(b) identification of local emergency medical assistance appropriate for potential accident scenarios;

(c) mitigation, prevention, or abatement of hazards to persons, property, or the environment;

(d) immediate notification and evacuation of the facility; and

(e) identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.

3. Training

(a) The business plan shall include a training program which shall be reasonable and appropriate for the size of the business and the nature of the hazardous materials handled. The training program shall take into consideration the responsibilities of the employees to be trained. The training program shall, at a minimum, include:

- (i) methods for safe handling of hazardous materials;
- (ii) procedures for coordination with local emergency response organizations;

(iii) use of emergency response equipment and supplies under the control of the handler, and

(b) The business plan shall include provisions for ensuring that appropriate personnel receive initial and refresher training.

C. Businesses which are required to comply with the Permit requirements set forth in paragraph A of Section 57.08.03 of this Division shall be required to submit a hazardous materials inventory as indicated in subdivision (1) of subsection B of this Section.

D. Businesses which are required to comply with the Permit requirements set forth in paragraph A of Section 57.08.03 of this Division may be required to submit a business plan as indicated in subsection B of this Section.

E. Initial submission of the Business Plan shall be within 30 days of notification by the Department or within 30 days of the establishment of the business, whichever is sooner.

F. When it is determined by the Department that a business is subject to requirements of this Section or the provisions of the Act, the business shall be so notified by the Department. Upon notification, the business shall transmit to the Department a complete business plan and any other documentation required under the Act, as directed by the Department, in a format prescribed by the Department, for review and approval by the Department. The handler shall review the business plan as required by the Act, and shall certify to the Department that the review was made and that any necessary changes were made to the plan. Whenever a substantial change in the handler's operations occurs which requires a modification of its business plan, the handler shall submit a copy of the plan revisions to the Department within 30 days of the operational change.

SEC. 57.08.07. AMENDMENTS TO THE HAZARDOUS MATERIALS INVENTORY FORM.

A business which has filed a hazardous materials inventory form shall file an amendment to the Form with the Department before:

A. The business handles a hazardous substance not previously listed on the Form on file with the Department; or

B. The business handles quantities of a hazardous substance which exceed the maximum quantities previously indicated on the Form on file with the Department; or

C. There is a change in the mode or place of storage of hazardous

substances from that indicated on the Form on file with the Department such that continued reliance on the information already contained in the Form on file could pose a threat to the environment or to the health or safety of individuals.

In addition to the above requirement, all businesses which are required to submit a hazardous materials inventory form shall submit an annual inventory or a certification statement. An amendment submitted during the year to report changes in inventory fulfills the annual submittal requirement provided that the amendment contains the entire inventory, including those items which have not changed.

SEC. 57.08.08. SPECIAL INSPECTION.

In the event of an emergency, or if a business refuses or fails to disclose in a timely manner all information required by Section 57.14.04., and by Section 57.08.06 or Section 57.08.07, the Chief may conduct a special inspection at a business site to obtain information deemed necessary by the Chief with respect to the existence and handling of hazardous substances as permitted by law.

SEC. 57.08.09. RECOVERY OF COSTS FOR SPECIAL INSPECTIONS.

A nuisance exists when a business handles a hazardous substance which has not been disclosed on a Hazardous Materials and Hazardous Waste Inventory Form or as otherwise required by this division. If a business is not in compliance and a special inspection is needed to obtain information required by this division concerning hazardous substances handled by the business, the City, after due notice, may conduct such a special inspection and may thereafter recover the costs of said inspection, together with any administrative costs and the fee for issuance of a Permit. These costs may be made a lien and special assessment against the parcel of land on which the business is located pursuant to the procedure set forth in Section 19.97 of the Los Angeles Administrative Code, but implementation of such an assessment procedure shall not be the exclusive remedy of the City for recovery of such costs.

SEC. 57.08.10. INSPECTION BY THE DEPARTMENT.

At the discretion of the Chief, inspections may be conducted for the purpose of determining compliance with this division and to cause to be corrected any information which is discovered to be either different from information in the application for a Permit or HMRRP authorization or any amendment to the Hazardous Materials and Hazardous Waste Inventory Form filed with the City, or inaccurate, concerning the handling of hazardous substances at a business site.

SEC. 57.08.11. PERMIT AND FORM REQUIREMENTS.

A. Posting and Availability: The original or a copy of the current Permit with HMRRP authorizations issued to a business shall be posted in a conspicuous place at the business site. The original Permit shall be maintained and available at all times at the business site for inspection by the Department.

B. Forms Maintained: Copies of all hazardous materials inventory forms shall be maintained at the business site for a period of not less than three years and shall be made available to the Chief upon request.

SEC. 57.08.12. CLOSURE OF A BUSINESS.

Whenever a business which handles hazardous substances intends to cease, or ceases doing business at a location, the business shall immediately notify the Chief.

SEC. 57.08.13. PUBLIC DISCLOSURE.

Information provided in an application for HMRRP authorizations shall be deemed a public record subject to public inspection and copying pursuant to the California Public Records Act, Section 6250 et seq. of the Government Code of the State of California, and Division 12 of the Los Angeles Administrative Code, except where the information involved is a trade secret or is otherwise excepted under law from requirement of public disclosure.

SEC. 57.08.14. TRADE SECRETS.

A. Identification:

1. If a business believes that the disclosure of information requested in the application for a Permit or HMRRP authorization involves a trade secret which the business wishes to protect from public disclosure, the business shall identify or list on an additional and separate page of the application for a Permit or HMRRP authorization, conspicuously marked or labeled as containing trade secret information, the hazardous substance or other information that it claims should be protected as a trade secret. The trade secret information shall not be set forth in any other part of the application.

2. Within 60 days of filing an application for a Permit or HMRRP authorization in which a business has claimed a trade secret, the business shall file with the Department a written substantiation of the trade secret claim. It shall also file with the City a signed written agreement in a form acceptable to the City Attorney which indemnifies the City for the City's

litigation expenses and costs, if any, and for any awards of damages and attorneys' fees arising out of litigation resulting from a City refusal to disclose information claimed by the business to be a trade secret in the event such nondisclosure is found by a court of competent jurisdiction to be unwarranted.

B. Nondisclosure: Except as provided in Subsections C, E, or G of this section, the Department shall not disclose any information which a business indicates in its application for a Permit or HMRRP authorization, claims to be or seeks to protect as, a trade secret.

C. Disclosure To Public Officers and Employee: Trade secret information obtained by the Department may be disclosed to an officer or employee of the City of Los Angeles or other public entity provided that such disclosure is in connection with the official duty of such officer or employee under any fire suppression, health, safety or environmental law. Trade secret information may be disclosed to City contractors and to their employees, if in the judgment of the Chief such disclosure is necessary for the performance of a contract with the City and to protect the health or safety of the employees of the contractor.

D. Acknowledgment of Receipt: Recipients of trade secret information pursuant to Subsection C of this section must file with the Department, at the time of receipt of such information, a completed, dated, and signed written acknowledgment of receipt of said trade secret information. The acknowledgment shall state that the individual signing it is aware of the confidentiality of the information received, the restrictions on its use and dissemination and the penalties for unlawful dissemination as set forth in this section.

E. Disclosure for Medical Purposes: Trade secret information may be disclosed to a paramedic or medical doctor by the Department when necessary for the purposes of treating a patient, so long as the paramedic or doctor is first advised that any disclosure of the information which is not necessary for the treatment of the patient would constitute a misdemeanor.

F. Penalty for Unauthorized Disclosure: A person, in possession of trade secret information disclosed to the Department pursuant to this division, who knowingly makes further disclosure thereof to any person not entitled to receive such information, is guilty of a misdemeanor.

G. Disclosure Pursuant to Public Record Act: The Department, upon receipt of a written request under the Public Records Act from any person for the disclosure of information which a business has notified the Department it seeks to protect as a trade secret pursuant to Subsection A of this section, shall notify the business within two working days by personal service or by certified mail return

receipt requested, that a request for disclosure of trade secret information has been received by the Department. The Department shall also inform the business that it should immediately file the written substantiation of its claim of trade secret required by Subsection A of this section, if it has not already done so, and any other relevant information it may wish to file with the Department.

Upon receipt of a request for disclosure of trade secret information, the Department shall forward a copy of the request, together with any substantiation of the trade secret claim and the Department's proposed determination to the City Attorney for review and comment.

Within 10 days after the receipt of a written request for disclosure of trade secret information, the Department shall make a final determination whether or not to comply with the request and shall immediately notify both the person requesting the information and the business of such determination and reasons therefor.

H. National Defense Classification: Information certified by an appropriate official of the United States as classified for national defense purposes shall be accorded whatever protection against disclosure as directed by such official as specified by applicable federal law.

SEC.57.08.15. COMPLIANCE WITH RELEASE REPORTING REQUIREMENTS UNDER THE ACT.

The handler or any employee, authorized representative, agent, or designee of a handler shall, upon discovery, immediately report any release or threatened release of a hazardous material to the administering agency, and to the Office of Emergency Services, in accordance with the regulations adopted pursuant to Health and Safety Code Sections 25503 and 25507. Each handler and any employee, authorized representative, agent, or designee of a handler shall provide all state, city, or county fire or public health or safety personnel and emergency rescue personnel with access to the handler's facilities.

Any person who violates the provisions of Section 25507 of the Health and Safety Code shall be subject to the penalties specified in Section 25515 of the Health and Safety Code.

Sec. 7. Article 7 of Chapter V of the Los Angeles Municipal Code is hereby amended by adding Division 14 thereto, said Division to read:

**DIVISION 14
UNIFIED PROGRAM FACILITY PERMIT**

SEC. 57.14.01. SCOPE.

This division sets forth the requirements concerning the “Unified Hazardous Waste and Hazardous Materials Regulatory Management Program consolidated Permit” (Unified Program Facility Permit) issued pursuant to Chapter 6.11 of Division 20 of the California Health and Safety Code, for businesses located in the City of Los Angeles. Businesses subject to any one or more of the following hazardous waste and hazardous materials programs shall receive a single consolidated Permit and fee invoice:

1. Hazardous Waste Generators and Hazardous Waste Onsite Treatment Programs - Hazardous Waste Generator and Onsite Tiered Permitting activities authorized under the permit-by-rule, conditionally authorized, and conditionally exempt tiers pursuant to Health and Safety Code Division 20, Chapter 6.5 (generally supplemented by Division 4.5, Title 22 of the California Code of Regulations).

2. Above Ground Storage Tanks Spill Prevention, Control, and Countermeasure Plan - The requirement of the Health and Safety Code subdivision (c) of Section 25270.5 for owners and operators of aboveground storage tanks to prepare a spill prevention control and countermeasure plan.

3. Underground Storage Tank Program - The requirements of the Health and Safety Code Division 20, Chapter 6.7 (commencing with Section 25280) concerning underground storage tanks, except for the responsibilities assigned to the State Water Resources Control Board pursuant to Section 25297.1, and any requirements of Division 31 of this Code pertaining to underground storage tanks.

4. Hazardous Materials Release Response Plan and Inventory Program - The requirements of Article 1 (commencing with Section 25501) of the Health and Safety Code Division 20, Chapter 6.95 concerning hazardous material release response plans and inventories and any requirements of Division 8 of this Code.

5. California Accidental Release Prevention Program - The requirements of Article 2 (commencing with Section 25531) of the Health and Safety Code Division 20, Chapter 6.95, concerning hazardous materials management and the requirements of Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations.

SEC. 57.14.02. DEFINITIONS.

The following words or group of words, when used in this division, shall

be defined as follows:

Above Ground Storage Tanks Spill Prevention, Control, and Countermeasure (SPCC) Plan - Includes the requirements of Health and Safety Code Division 20, Chapter 6.67, Section 25270.5(c).

Authorization - An acknowledgment of compliance for an individual Unified Program element.

Business – Any employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, association, institution or public agency. The term business shall include both for profit and nonprofit enterprises.

California Accidental Release Prevention Program (CalARP) - Includes the requirements of Health and Safety Code Division 20, Chapter 6.95, Article 2.

Certified Unified Program Agency or CUPA - The agency certified by the secretary to implement the unified program specified in the Health and Safety Code, Division 20, Chapter 6.11 within a jurisdiction.

Hazardous Materials Release Response Plan (HMRRP) and Inventory Program - Includes the requirements of Health and Safety Code Division 20, Chapter 6.95, Article 1 (generally supplemented by Title 19 of the California Code of Regulations, Sections 2620 - 2732), and any requirements of Division 8 of this Code.

Hazardous Waste Generators and Hazardous Waste Onsite Treatment Programs - Includes the Hazardous Waste Generator (GEN) Program, and the Onsite Tiered Permitting activities authorized under the permit-by-rule (PBR), conditionally authorized (CA), and conditionally exempt (CE) tiers - Health and Safety Code Division 20, Chapter 6.5 (generally supplemented by Division 4.5, Title 22 of the California Code of Regulations).

Participating Agency or PA - An agency which has a written agreement with the CUPA pursuant to the Health and Safety Code, subdivision (d) of Section 25404.3, and is approved by the secretary, to implement or enforce one or more of the unified program elements specified in subdivision (c), in accordance with the provisions of Health and Safety Code Sections 25404.1 and 25404.2.

Underground Storage Tank (UST) Program - Includes the requirements of Health and Safety Code Division 20, Chapter 6.7, excluding Section 25297.1, and any requirements of Division 31 of this Code as they pertain to underground storage tanks.

Unified Program Facility - All contiguous land and structures, other

appurtenances, and improvements on the land which are subject to the requirements listed in subdivision © of Section 25404 of the California Health and Safety Code, the requirements of Division 8 of this Code, or the requirements of Division 31 of this Code as they relate to underground storage tanks.

Unified Program Facility Permit - A Permit issued pursuant to the Health and Safety Code Division 20, Chapter 6.11. For the purposes of this division, a unified program facility Permit encompasses Permit or authorization requirements only as specified for a unified program facility.

Uniform Fire Code Hazardous Materials Management Plan (HMMP) - Includes the requirements of the Uniform Fire Code, as adopted by the State Fire Marshal pursuant to Section 13143.9 of the Health and Safety Code, concerning hazardous materials management plans and inventories for hazardous materials.

SEC. 57.14.03. PERMIT REQUIRED.

No person shall operate or maintain a new or existing Unified Program Facility without having obtained an annually renewable Unified Program Facility Permit with the appropriate authorization for each applicable unified program element pursuant to this division, or other authorized Permit.

SEC. 57.14.04. APPLICATION FOR PERMITS.

A. Filing: All applications for Permit shall be filed with the Department, and shall be in writing on forms provided by the Department. At the time an application for a Permit is filed, the Department shall collect the established fees pursuant to this division. All applications shall be reviewed for completeness and acceptability for the purposes of this division.

B. Contents of Application: Applications for Permits required by this division shall, unless otherwise required by the Department, contain a completed Los Angeles City Fire Department Unified Program application packet, provided by the Department.

SEC. 57.14.05. PERMITS - INVESTIGATION AND PROCEDURES FOR GRANTING - POWER TO DENY.

A. Investigation and Procedure for Granting:

1. The Fire Marshal shall investigate application for a Permit, and such investigation shall be made by authorized members of the Department.

2. The Fire Marshal may require such additional information as may be necessary to carry out the investigation of the application for a Permit.

3. If, after investigation and consideration of any application, and any plans or specifications required in connection therewith, the Chief shall determine that the proposed business, operation, occupation or premises will not create any undue hazard as a result of fire or panic, and the applicant is in compliance with all applicable unified program elements, the Chief shall approve the application.

4. The Chief's approval of the application may be made subject to terms and conditions necessary for the safeguarding of life and property from the hazards of fire, explosion or panic.

5. On approval of the application by the Chief and the payment of the required fee the Department shall issue the Permit.

B. Power to Deny: The Chief, in his or her discretion, is hereby empowered to deny or withhold approval of a Permit for which an application has been made if the building, premises, equipment, apparatus, or the facilities for the establishing, maintaining, conducting or operating the business, operation, occupation, or premises for which the Permit is requested is or are insufficient or are unfit or incapable of being used, maintained, established, or operated to comply with this article or other applicable laws and the Rules and Regulations of the Department.

SEC. 57.14.06. PERMITS - FORM.

Each Permit shall be issued in accordance with the provisions of this division and shall set forth upon the face thereof the following:

A. The name of the person to whom issued.

B. The address where the premises are located and where the address is different from that of the applicant, the address designated by the applicant or his or her authorized agent for mailing purposes. The mailing address so appearing shall be the address to which all notices required or authorized by this article shall be sent unless the applicant or permittee shall request in writing that another address be used for such purposes.

C. The signature of the Chief printed thereon.

D. The date of expiration of the Permit and the date upon which the annual Permit fee shall be due and payable.

E. A list of the unified program elements authorized at the facility.

SEC. 57.14.07. PERMITS - POSTING AND KEEPING.

Posting and Keeping. Each Permit issued pursuant to the provisions of this division shall be posted in a conspicuous place on the premises for which the same is issued.

SEC. 57.14.08. PERMITS - TRANSFER.

A. Transfer of Permit – No Permit shall be transferable except when the business, operation, occupation, or premises for which the Permit is issued, is transferred, whether by sale or otherwise, to another person under such circumstances that the ownership after the transfer is substantially similar to the ownership existing before the transfer.

B. Change of Location – Any change of location for a business, operation, occupation, or premises shall require filing of a new application and payment of the applicable fee(s) set forth in Section 57.14.10 of this article.

SEC. 57.14.09. PERMITS - VALIDITY.

Unless otherwise set forth on the face of the Permit, every Permit issued in accordance with the provisions of this division shall be valid until voided, revoked, or suspended.

**SEC. 57.14.10. UNIFIED PROGRAM FACILITY PERMIT
SCHEDULE OF FEES.**

A. Any business subject to the provisions of this Division, or any Division of this Code related to the inspection, enforcement, or administration of a unified program element, shall pay a fee at the time of application, and annually thereafter, for the issuance of the Unified program Facility Permit, computed pursuant to the schedule set forth in this section, to recover the costs to the City for the inspection, enforcement, and for the administration of those provisions by the City of Los Angeles Fire Department, and any other charges required by law.

B. The fees adopted by the Board pursuant to this section shall be imposed upon each Unified Program Facility which is subject to the state and local provisions referred to hereinabove, according to the most current records of the Fire Department.

C. The procedure to establish and amend the Schedule of Fees is as follows:

1. The Board, with the concurrence of the City Administrative Officer, shall determine on a regular basis the verifiable costs to the City for the

inspection and enforcement activities, and the administration of the Unified Program elements, associated with the businesses plus the applicable State service charges. The Board shall use said costs to develop or to amend a Schedule of Fees, hereinafter referred to as "Schedule," so as to recover City costs in connection with the administration of this Division and any other Division of this Code for inspection and enforcement activities, and the administration of the Unified Program or any of the elements, associated with the businesses, and to collect any State mandated fees. Said Schedule shall be no higher than necessary to recover such costs. The Board may amend the Schedule based upon changes in City costs at any time during the fiscal year.

2. Upon adoption of the Schedule, or any amendment thereto, the Board shall transmit the Board order to the Mayor and the City Council for consideration. The review and approval or disapproval of the Schedule or any amendment thereto shall be accomplished in the same manner as the review and approval of fees by Mayor and Council under the provisions of Los Angeles Municipal Code Section 57.04.12C, provided, however, that approval shall require a majority vote of the City Council and such Schedule or any amendment thereto shall not be deemed approved by the passage of 60 days from the date of delivery to the Council without disapproval thereof, and provided further that such Schedule or any amendment thereto shall be deemed disapproved if disapproved in writing by the Mayor within 60 days from date of delivery and prior to any vote of approval by the Council.

D. The failure to pay any fee as required by this Division shall cause that fee to become delinquent and an additional sum equal to 50 percent of the fee so required shall be imposed for such delinquency and become a part of the fee required, provided however that the Department, with the approval of the City Attorney, shall waive any or all of said 50 percent to the extent such exceeds any extra costs caused by said delinquency. The City Attorney may approve waiver of penalty for good cause, based upon information supplied by the business and by the Fire Department. Good cause shall include any adequately documented circumstance of extreme financial hardship arising from the requirement that the 50 percent penalty be paid. Minor discrepancies in payments, charges for duplicates of Permits, and refunds of fees paid shall be administered for purposes of this division in the same manner as provided for Permits under Subsections E, H, and I of Section 57.04.12 of this Code.

E. The fees charged to recover City costs in connection with the inspection and enforcement activities, and the administration of the provisions of this Division, associated with the businesses, shall be computed as follows:

1. Hazardous Waste Generators and Hazardous Waste Onsite Treatment Activities. The fees for the Hazardous Waste Generators and

Hazardous Waste Onsite Treatment Activities program element will be established by the Los Angeles County Fire Department Health Hazardous Materials Division, and reviewed and approved by the Los Angeles County Board of Supervisors, for the inspection and enforcement activities associated with that program element. The Los Angeles County Fire Department is a Participating Agency to the City of Los Angeles Fire Department for the inspection and enforcement activities associated with this program element. An additional administrative charge may be applied by the Department for oversight activities relative to this program element.

2. Underground Storage Tanks. In addition to the establishment of an annual Permit fee for each underground storage tank and the administration of Division 31 of this Code commencing with Section 57.31.30, an hourly rate shall be established for the plan check and inspection activities associated with the installation, modification, abandonment, and site mitigation of underground storage tanks and facilities.

3. Hazardous Materials Release Response Plan and Inventory Program. The fees charged to recover City costs in connection with the administration of the Hazardous Materials Release Response and Inventory Program, and the provisions of Division 8 of this Code, shall be computed as follows:

a. For each business handling:

- (I) one to three hazardous substances,
- (ii) four to seven hazardous substances,
- (iii) eight or more hazardous substances,

a fee shall be charged as specified in the schedule of fees.

b. If the total volume of each type of lubricating oil handled at a single business facility is below 55 gallons, but the total volume of all types of lubricating oil handled at that facility exceeds 275 gallons at any one time, each type of lubricating oil shall be subject to disclosure and business plan requirements. For the purposes of this paragraph, "lubricating oil" means any oil intended for the use in an internal combustion crankcase, or the transmission, gearbox, differential, or hydraulic system of an automobile, bus, truck, vessel, plane, heavy equipment, or other machinery powered by an internal combustion or electric powered engine. The term "lubricating oil" does not include used oil, as defined in Subdivision (a) of Section 25250.1 of the Health and Safety Code of the State of California.

c. Physicians, dentists, podiatrists, veterinarians or pharmacists who maintain oxygen or nitrous oxide at their office or place of business in quantities of not more than 1,000 cubic feet of each substance at any one time shall be exempt from fee calculations with respect to such substances.

4. California Accidental Release Prevention Program. The fees charged to recover City costs in connection with the administration of the California Accidental Release Prevention Program, shall include an annual administrative fee, a risk factor fee, and an hourly inspection and review fee to be charged as the service is provided.

5. Service Charges. Additional State service charges for individual program elements as established by the Secretary of the California Environmental Protection Agency shall be collected from unified program facilities and forwarded to the State.

Sec. 8. Section 57.31.01 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.31.01. SCOPE.

The provisions of this division and LAFD Standard No. 68 shall regulate all atmospheric tanks which are incorporated as an integral part of a transfer or process system used for handling or storing hazardous substances. Such provisions provide necessary safeguards to carry out the purpose and intent of this division. Whenever the term "**tank**" is used in this division, it shall mean "**atmospheric tank**". If a conflict arises between LAFD Standard No. 68 and the provisions of this division, the more restrictive shall apply.

EXCEPTION:

The provisions of these Sections shall not include structures such as clarifiers, sumps, separators, storm drains, catch basins, lagoons, evaporation ponds, well cellars, separation sumps, lined or unlined pits, or final interceptors in industrial waste pretreatment systems.

Sec. 9. Section 57.31.02 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.31.02. DEFINITIONS.

The following words and phrases whenever used in this division shall be defined as follows:

Aboveground Tank – Any atmospheric tank installed on or above the surface of the ground and used for the storage, handling, or processing of a hazardous substance.

Hazardous Substance – All of the following liquid, solid, and gaseous substances, unless the State Department of Health Services in consultation with the State Water Resources Control Board, determines the substance could not adversely affect the quality of Waters of the State:

1. Substances on the list prepared by the Director of the Department of Industrial Relations pursuant to Section 6382 of the Labor Code;
2. Hazardous substances, as defined in Section 25316 of the Health and Safety Code;
3. Any substance or material which is classified as a Class I, II or IIIA liquid.

Unauthorized Release - Any emission or escape of any hazardous substance which does not conform to the provisions of this Division, unless such release is in accordance with the release regulations of the South Coast Air Quality Management District and California Air Resources Board, with a National Pollutant Discharge Elimination System (NPDES) Permit, or with waste discharge requirements established by a Regional Water Quality Control Board.

Underground Tank or Underground Storage Tank – Any atmospheric tank which is partially or entirely below the surface of the ground and is used to store or process a hazardous substance including any connected piping and appurtenances.

Sec. 10. Section 57.31.03 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.31.03. PERMITS REQUIRED.

A. No person shall erect, install, relocate, add to, alter, or abandon any tank unless a valid Permit as required by Division 5 of this article has been issued.

B. No person shall use or operate any atmospheric aboveground tank unless a valid Permit as required by Division 4 of this article has been issued.

C. No person shall use or operate any underground storage tank unless a valid Unified Program Facility Permit with the appropriate authorization as required by Division 14 of this article has been issued.

Sec. 11. Division 31 of Article 7 of Chapter V of the Los Angeles Municipal Code is hereby amended by adding Section 57.31.05.1 thereto, said section to read:

SEC. 57.31.05.1. TEMPORARILY OUT OF SERVICE.

Any atmospheric storage tank which is temporarily out of service shall be monitored, inspected, and maintained in the same manner as if it were in service.

Sec. 12. Division 31 of Article 7 of Chapter V of the Los Angeles Municipal Code is hereby amended by adding Section 57.31.05.2 thereto, said section to read:

SEC. 57.31.05.2. UNAUTHORIZED RELEASE.

A. No person shall cause or allow the storage of hazardous substances in a manner which causes an unauthorized release of hazardous substances or poses a significant risk of such unauthorized release.

B. Reporting - Any person who has knowledge of an unauthorized release of a hazardous substance shall notify the Chief immediately. A written report shall be submitted by the owner, operator, or permittee within 10 days after the escape of a hazardous substance from a primary container when the unauthorized release:

1. Has occurred or has the potential to enter groundwater.
2. Could endanger life, property, or the environment.
3. Is contained by secondary containment.

The written report shall provide information to the Department relating to the ability of the permittee to contain and dispose of the hazardous substance, the estimated time it will take to achieve this, and the degree of hazard created. The Chief may verify that the hazardous substance is being contained and appropriately disposed of. If at any time it is determined that the permittee is not adequately containing and disposing of such hazardous substance, the Chief shall have the power and authority to initiate and direct an emergency response in order to protect the public safety, health and welfare, public and private property, wildlife, marine fisheries, wet lands or ocean resources, or natural

environment. The permittee shall be liable for reimbursement to the Department for all emergency response costs incurred.

C. Cleanup - The owner, operator, or permittee shall be responsible to take all necessary steps to ensure the immediate containment and cleanup of any unauthorized release of a hazardous substance. If an unauthorized release has entered or has the potential to enter groundwater, the Chief shall immediately notify the California Regional Water Quality Control Board and shall request that they assume lead agency status for the investigation and abatement of the release.

Sec. 13. Section 57.31.30 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.31.30. SCOPE.

Pursuant to Chapter 6.11., and Chapter 6.7., Section 25299.1., of the California Health and Safety Code (CHSC), the City of Los Angeles assumes enforcement responsibility for the implementation of Title 23, Division 3, Chapter 16 of the California Code of Regulations (CCR) and Chapter 6.7 of the CHSC. Chapter 16 CCR and 6.7 CHSC relate to the underground storage of hazardous materials.

Pursuant to Chapter 6.7, Section 25299.2 of the CHSC the Los Angeles City Fire Department executes its right to adopt and enforce underground tank regulations, requirements, or standards of performance that are more stringent than regulations requirements, or standards of performance in effect under Chapter 6.7 with respect to underground storage tanks, if the regulation, requirement, or standard of performance is consistent with Chapter 6.7 CHSC.

In addition to applicable requirements of this division, the following sections shall regulate underground atmospheric tanks and appurtenances used for the storage or processing of hazardous materials substances.

EXCEPTION:

The provisions of these sections shall not include structures such as clarifiers, sumps, separators, storm drains, catch basins, oil field gathering lines, refinery pipelines, intrastate pipelines, lagoons, evaporation ponds, well cellars, separation sumps, lined or unlined pits, aboveground storage tank spill containment areas, or final interceptors in industrial waste pretreatment systems.

Sec. 14. Section 57.31.31 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.31.31. DEFINITIONS.

The following words and phrases whenever used in these sections shall be defined as follows:

Existing Facility – Any underground tank containing a hazardous substance which was installed or placed in service prior to January 1, 1984.

Facility – Any underground tank or group of underground tanks containing hazardous substances which are located at a single site. **New Facility**—Any underground tank containing a hazardous substance which was installed or placed in service on or after January 1, 1984.

Primary Tank – The portion of an underground tank which comes into immediate contact on its inner surface with the hazardous substance being contained.

Secondary Containment – A system of containment external to, and separate from, the primary tank. One secondary containment may serve as secondary containment for more than one primary tank.

Single-Walled – The construction of tank walls consisting of one thickness of material. Laminated, coated or clad materials shall be considered as single-walled.

Sec. 15. Section 57.31.33 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.31.33. SECONDARY CONTAINMENT.

A. Every new facility shall be designed and constructed with secondary containment. Secondary containment shall be capable of being integrity tested.

B. Secondary containment shall be compatible with any hazardous substance contained within a primary tank or within several primary tanks served by a single secondary containment. Hazardous substances shall not be intermixed so as to cause a fire, explosion, or the production of toxic or poisonous gas. Hazardous substances which are not compatible with each other shall have separate primary tank and secondary containment systems.

C. Secondary containment shall be large enough to contain at least 100 percent of the volume of the primary tank, and be structurally capable of storing the hazardous substances for the maximum anticipated period of time necessary for the safe recovery of any released hazardous substance.

D. Secondary containment which includes multiple primary tanks shall be capable of containing at least 150 percent of the volume of the largest primary tank, and be structurally capable of storing the hazardous substance for the maximum anticipated period of time necessary for the safe recovery of any released hazardous substance.

E. When there is a possibility of water intruding into the space between the primary tank and secondary containment by precipitation, infiltration, or other means, the facility shall be designed and constructed with the capability to monitor and remove such water intrusion.

F. Secondary containment systems shall have a nationally recognized testing laboratory listing and a L.A.F.D. Equipment Approval.

G. Secondary containment shall be provided under the dispenser. Containment will provide a mechanical or electrical device (float valve or probe) to disable the flow of product to that dispenser.

H. Tank Opening Sumps must have electronic monitoring probes.

Sec. 16. Section 57.31.38 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.31.38. SOILS INVESTIGATION.

To determine whether or not an unauthorized release has occurred at a facility, the Chief has the authority to require a soils analysis by soil boring, soil samples, or other approved method. The soils analysis along with documentation of the sequence of custody of the soil analysis shall be submitted to the Chief in writing and certified by a California Registered Engineering Geologist, a California Certified Geologist, or a Registered Civil Engineer.

Sec. 17. Section 57.31.39 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.31.39. MONITORING SYSTEMS.

A. Requirements - Every underground tank shall be provided with an automatic, continuous, electronic monitoring system designed and constructed to be capable of detecting the release of the stored hazardous substance.

NOTE:

All systems shall be certified annually to ensure operation meets manufacturer's specifications.

EXCEPTION:

Existing underground tanks which are in a concrete vault and the exterior surface of the tanks are accessible to visual inspection. Visual inspections shall be conducted at intervals specified by the Chief.

1. All methods of monitoring, detection, and leak interception shall be certified by a California Registered Engineer and be approved by the Chief.

2. Monitoring systems shall:

a. Be connected to alarm panels which shall have both visual and audible alarms incorporated. Audibility shall be 10 decibels above ambient sound levels, but not less than 85 decibels.

b. Be electrically approved by Underwriters Laboratory for intrinsic safety.

c. Have all sensing components and wiring supervised.

d. Be tamper proof.

e. Have L.A.F.D. Equipment Approval.

f. Have a button to test continuity located on the face of the panel.

3. Monitoring system annunciator panels shall be installed in locations where responsible personnel are normally in attendance during operation of the facility. These panels shall not be installed in closets or storage rooms nor in other isolated areas.

4. Written operating instructions and procedures shall be permanently affixed to the face of the monitoring system annunciator panel giving a step-by-step explanation of the procedures to be used when an unauthorized release occurs and when testing the monitoring system for continuity. If space on panel face does not permit this, a durable permanently affixed placard located immediately adjacent to the panel, and clearly visible will be accepted.

5. All monitoring systems must be field performance tested for the product being monitored. Appropriate tracer substances may be used in testing vadose systems.

B. Approved Methods of Monitoring:

Any or all of the following methods of monitoring may be incorporated into a monitoring system:

1. Secondary Containment Monitoring

a. When a Secondary Containment Monitoring System is used, the monitoring device(s) shall be capable of detecting a leak of the product stored and water.

b. All Secondary Containment Monitoring Systems shall be installed in a manner that allows servicing and liquid removal.

2. Tank Level Monitoring.

a. Must go into leak detect mode a minimum of once every 24-hour period. If the test is aborted for any reason, the system must automatically re-test until test is complete. Confirmed leaks shall be reported immediately. Tank Level Monitoring, as a stand-alone monitoring system, can only be used in Underground Tanks that can be shut down for a six-hour time period to allow for completion of the test. Turbines must be disabled by the system during the test. A two-hour quiescent period is required prior to testing and after product delivery. If product is introduced or extracted due to delivery, dispensing, or theft, the test shall automatically abort. The retest shall not begin until two hours after product introduction and 1 one-hour after product extraction,

or;

b. Must be an approved system capable of detecting a leak rate of .2 gallons per hour (gph) with a minimum probability of detection of 95% and a maximum probability of false alarm of 5%.

c. Must have capability and accuracy substantiated by a nationally recognized independent testing laboratory.

3. Electronic Product Line Leak Detection.

a. Shall cause complete turbine shut down based on a leak rate of not greater than .05 gph.

b. Shall compensate for vapor and entrapped air.

4. Alternate methods of monitoring will be reviewed and evaluated by the Fire Department.

Sec. 18. Section 57.31.43 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.31.43. VENTING OF UNDERGROUND TANKS.

A. Every underground tank having only one fill opening shall be equipped with a vent pipe of not less than one and one-fourth inch nominal inside diameter. Tanks requiring vapor recovery systems shall have no less than one vent pipe with a nominal inside diameter of not less than two inches. Vent pipes shall have the capacity to prevent back-pressure development in tanks from exceeding 2.5 PSIG.

B. All Class I liquid vent pipes shall be 18 inches above the highest point of any roof of any building within 15 feet of the point of termination. Vent pipes shall terminate 12 feet above the adjacent ground level and not less than 10 feet from building openings. They shall discharge only upward or horizontally to disperse vapors away from exposures and hazardous locations.

C. Every vent pipe shall run without sag or trap from the top of the tank to which it is connected and shall be so located and directed that flammable vapors will not accumulate or travel to an unsafe location, enter building openings, or be trapped under eaves.

D. Vent pipes running in a semi-horizontal direction shall be installed to provide one-fourth inch of fall for each one foot of horizontal run toward the tank.

E. Vent pipes shall be located and supported in an approved manner.

F. Vent pipes shall be unobstructed and only approved pressure relief valves or approved ball check valves shall be installed inside the tank.

Sec. 19. Sections 57.31.47 and 57.31.51 of the Los Angeles Municipal Code are hereby repealed.

Sec. 20. Section 57.39.01 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.39.01. SCOPE.

A. The provisions of this division shall regulate all systems of piping, tubing, valves, and fittings used in containing or transferring hazardous materials that are regulated by this article. The design of piping and tubing systems shall comply with the specifications set forth in L.A.F.D. Standard Nos. 21, 68, and the provisions of this division. If a conflict arises between these Standards and this division, the more restrictive shall apply.

B. The provisions of this division do not apply to any of the following:

1. Tubing or casing, and any piping, valve, or fitting connected directly thereto on any oil well.

2. Marine Vessel.

3. Aircraft.

4. Pipelines meeting the specifications of D.O.T. (Title 49, Part 192) under the jurisdiction of the State Public Utilities Commission.

5. Pipelines meeting the specifications of the California Pipeline Safety Act of 1981 or those operating under franchise granted by the City of Los Angeles.

6. Instrument piping of one-half inch or smaller nominal diameter.

Sec. 21. Section 57.39.16 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.39.16. GENERAL REQUIREMENTS FOR SECONDARY CONTAINMENT.

Secondary containment shall be:

A. Structurally and volumetrically capable of containing a release from the primary piping for the maximum anticipated period of time necessary for the safe recovery of any released hazardous substance.

B. Capable of directing any release to a monitoring device which is capable of detecting an unauthorized release.

C. Compatible with the commodity to be handled by the primary piping.

D. Capable of being integrity (performance) tested.

E. Nationally recognized laboratory listed and have a L.A.F.D. Equipment Approval.

NOTE:

When secondary containment is other than double wall pipe, and is subject to water or other liquid intrusion, a means of detection and removal shall be provided. This removal system shall also prevent uncontrolled removal of this water and provide for a means of analyzing the removed water for hazardous

substance contamination and a means of disposing of the water, if so contaminated, at an authorized disposal facility.

Sec. 22. Section 57.39.31 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.39.31. UNDERGROUND PIPING.

A. All underground piping in connection with underground tanks shall comply with the following :

1. Piping shall lead out of the top.
2. Piping shall be covered with at least one foot of earth or four inches of earth and four inches of concrete except for necessary riser pipes.
3. Piping shall be equipped with means for disconnection.
4. At any point of change from the vertical to the horizontal or from the horizontal to the vertical, there shall be installed an approved flex connector assembly.

B. Fill pipes of underground tanks shall not exceed eight inches inside diameter and shall be kept closed with a tight-fitting cap. Every fill opening shall be located in a fill box outside of buildings except openings for underground waste oil tanks used in connection with public garages or auto fueling stations inside buildings. Fill openings inside buildings shall be equipped in a manner to prevent escape of vapors to the inside of the buildings.

Sec. 23. Section 57.100.21 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.100.21. INSTALLATION OF DISPENSING APPARATUS.

A. Supporting Base: Every dispensing or transfer apparatus used in connection with any underground tank shall be substantially mounted on a raised solid concrete or other approved type base. The height of the raised base shall be a minimum of six inches above the surrounding grade level. Each dispenser must be equipped and maintained with an approved containment box. Containment boxes must have leak detection capability that will shut down the flow of product to the dispenser. Leak detection may be accomplished by either mechanical or electronic means.

B. Class I or II Liquids in Pipes: Tanks and piping shall not contain any Class I or II liquids (except for the necessary amount for a wet test if used) until the installation is complete and covered as required by this article.

Sec. 24. Section 57.100.22 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 57.100.22. PROHIBITIONS.

A. Personnel Permitted to Dispense: No owner, operator, permittee or employee of any Auto Fueling Station (except as provided in Subsection C of this section), flammable gas or liquefied flammable gas Auto Fueling Station, Aircraft Fueling Station or Marine Service Station, shall allow, sanction or permit the dispensing of motor fuel in or upon any such premises by any person, except by such owner, operator, permittee or competent person regularly employed in the operation of such station.

B. Dispensers: Dispensers for Class I, II, or IIIA liquids and flammable gases or liquefied flammable gases shall be of an approved type and shall be installed in such manner and location as may be approved by the Chief.

C. Automatic Dispensing Devices:

1. The installation and use of coin, card, token, remote control, or similar type dispensing apparatus for Class I, II, or IIIA liquids and flammable gases or liquefied flammable gases are prohibited in all places listed in Subsection A of this section, except that the use of these devices is permitted but limited to automobile fueling apparatus dispensing Class I, II and IIIA liquids. Where such installations are open to the public, there shall be a competent attendant on duty at a remote-control system or any other approved system and in such a position to observe any dispensing of fuel at all times when the premises is open for business.

2. The use of any device that permits the dispensing of flammable or combustible liquids when the hand of the operator of the discharging nozzle is removed from the nozzle, is prohibited, unless complying with Subsection D of this section.

D. Prohibited Nozzle Uses: Automatic nozzles with latch-open devices may not be used unless they are approved by the Chief and shut off the flow of liquid reliably and positively when:

1. The vehicle tank or container being filled is full.
2. The nozzle falls from the filling neck of the vehicle tank or container.
3. The nozzle is subjected to rough usage such as dropping or lack of

proper maintenance.

4. The vehicle is driven away with the nozzle in the tank.


E. Dispenser Hoses: Dispenser hoses used in conjunction with nozzles equipped with approved latch-open devices must be equipped with approved break-away couplings.

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Sec. 25. The City Clerk shall certify to the passage of this ordinance and cause the same to be published by posting for ten days in three public places in the City of Los Angeles, to wit: one copy on the bulletin board located at the Main Street entrance to the City Hall of the City of Los Angeles; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department in the City; and one copy on the bulletin board located at the Temple Street entrance to the Hall of Records in the City.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAY 19 1998.

J. MICHAEL CAREY, City Clerk

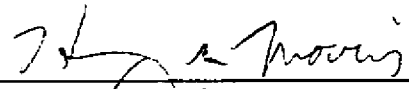
By 
Deputy

Approved MAY 27 1998

By 
ACTING Mayor

Approved as to form and legality

APRIL 12, 1998
JAMES K. HAHN, City Attorney

By 
HENRY G. MORRIS
Assistant City Attorney

File No. 97-0046

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 172043 - Amending & adding various sections to Chapter V to accommodate the City's status as a Certified Unified Program Agency, a copy of which is hereto attached, was finally adopted by the Council of the City of Los Angeles on May 19, 1998, & under direction of said Council & said City Clerk, pursuant to Section 31 of the Charter of the City of Los Angeles, on June 3, 1998, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: one copy on the bulletin board at the Main Street entrance to City Hall of said City, one copy on the bulletin board on the ground level at the Los Angeles Street entrance to the Los Angeles Police Department in said City, & one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles in said City.

The copies of said ordinance posted as aforesaid were kept posted continuously & conspicuously for ten days, or more, beginning June 3, 1998 to and including July 13, 1998.

I declare under penalty of perjury that the foregoing is true & correct.

Signed this 3rd day of June 1998 at Los Angeles, California.

Maria C. Rico

Deputy City Clerk

Effective Date: July 13, 1998

C.F. 97-0046