

## ANALYSIS

This ordinance amends Title 12 - Environmental Protection of the Los Angeles County Code to revise the billing, fee collection, and permitting procedures for the hazardous materials, hazardous waste, and the California Accidental Release Prevention programs; to make the County Code consistent with state unified program statutes; to allow for improved enforcement and collection actions against businesses which do not pay their annual fees or which are found to be operating without a valid permit; and to eliminate the installment payment program, but allow additional time for businesses to pay fee invoices.

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SK:gjh

2/14/08 (requested)

7/28/08 (revised)

**ORDINANCE NO. 2008-0050**

An ordinance amending Title 12 - Environmental Protection of the Los Angeles County Code, relating to unified program permit requirements and hazardous materials and hazardous waste billing and permitting procedures.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 12.50.010 is hereby amended to read as follows:

**12.50.010 Definitions.**

The following definitions govern the construction of this chapter:

...

M. "Permittee" means any person who is issued a unified program facility permit.

MN. "Person" shall have the meaning set forth in section 25118 of the H&SC and means an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, and corporation, including, but not limited to, a government corporation. "Person" also includes any city, county, district, commission, state, or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.

NO. "Program elements" means the six unified program elements specified in subsection 25404(c) of the H&SC, the administration of which are being consolidated under the unified program. "Program element" refers to any of the program elements.

OP. "Secretary" means the Secretary of the California Environmental Protection Agency.

PQ. "Unified program facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land which are subject to the requirements listed in subsection 25404(c) of the H&SC.

QR. "Unified program facility permit" or "permit" means a consolidated permit issued pursuant to this chapter. For the purposes of this chapter, a unified program facility permit encompasses the permits ~~or licenses~~ issued pursuant to: ~~S~~Section 25284 of the H&SC and Division 4 of Title 11 of the County Code relating to the underground storage of hazardous materials; Chapter 12.52 of the County Code relating to the generation or handling of hazardous waste or extremely hazardous waste; Chapter 12.64 of the County Code relating to handling of hazardous materials or acutely hazardous materials; and those city codes or resolutions related to the unified program elements administered by those cities as participating agencies to the LACoCUPA.

**SECTION 2.** Section 12.50.040 is hereby amended to read as follows:

**12.50.040 Program element county codes and fees.**

A. The annual ~~permit~~-fees for the program elements administered by the LACoCUPA under the single fee system shall be established by the following chapters of the county code:

...

**SECTION 3.** Section 12.50.055 is hereby amended to read as follows:

**12.50.055 Single fee system invoice -- Delinquency date.**

"Delinquency date" means the ~~36~~1st day after the date of the invoice issued by the LACoCUPA for any of the annual fees assessed pursuant to this chapter. Invoice means any bill issued by the LACoCUPA for the fees assessed under this chapter.

**SECTION 4.** Section 12.50.060 is hereby amended to read as follows:

**12.50.060 Late payment penalty.**

If any fee required to be paid pursuant to Sections 12.50.040, ~~and 12.50.050,~~ and 12.50.075 of this chapter is not paid in full prior to the delinquency date as defined in Section 12.50.055 of this chapter, in addition to such fee(s), the facility or permittee shall pay a late payment penalty equal to 40 percent of the total assessed fee(s). If payment is made by mail, the date of payment is determined by the postmark date.

**SECTION 5.** Section 12.50.065 is hereby amended to read as follows:

**12.50.065 Delinquent fee payment--~~Lien against permittee~~  
authorized when.**

If the fee(s) and any late payment penalty imposed pursuant to Sections 12.50.040, 12.50.050, ~~and 12.50.060,~~ and 12.50.075 of this chapter are not paid within ~~9~~30 days after the delinquency date, a certificate of lien may be recorded against the permittee or person liable for payment of such fee(s) and any late payment penalty as authorized by ~~S~~section 101345 of the California Health and Safety Code.

**SECTION 6.** Section 12.50.070 is deleted in its entirety.

**~~12.50.070~~ ~~Consolidated permit.~~**

~~Upon receipt of full payment from a unified program facility for all the annual fees, including any late payment penalty and the state imposed service charge, assessed pursuant to this chapter and provided all of the applicable regulatory requirements for the permit have been met, the LACoCUPA shall issue a consolidated unified program facility permit to the unified program facility.~~

**SECTION 7.** Section 12.50.075 is hereby amended to read as follows:

**12.50.075 Unified program facility Ppermit and payment of fees required.**

Every person, business, or business concern within the jurisdiction of the LACoCUPA and subject to the requirements of one or more of the program elements shall be required to pay the applicable annual fees and any applicable late payment penalty and apply for, pay the permit fees required by this chapter, and obtain from the LACoCUPA a unified program facility permit for the program elements applicable to such facility prior to the commencement of any business or activity related to any of the program elements. Upon receipt of full payment from a unified program facility for all the annual fees, including previous unpaid annual fees, any late payment penalties and the state imposed service charge, assessed pursuant to this chapter and provided all of the applicable regulatory requirements for the permit have been met, the LACoCUPA shall issue a consolidated unified program facility permit to the unified program facility. Each such permit shall be renewable annually ~~renewed~~ as provided for in this chapter.

The permit required under this section shall be posted and conspicuously displayed at the location falling under the requirements of this chapter. Failure to pay the annual fee, late payment penalty, or state imposed service charge is a violation of this chapter and may subject the violator to collection action pursuant to Section 12.50.160 of this code.

**SECTION 8.** Section 12.50.080 is hereby amended to read as follows:

**12.50.080 Permit--Application requirements.**

...

E. If an application for a permit is withdrawn before it has been completely processed by the chief, and the applicant has not engaged in any activity for which the permit is required, the chief shall refund to the applicant 50 percent of the ~~permit~~annual fee. No refunds shall be made when the application has been completely processed.

**SECTION 9.** Section 12.50.085 is hereby amended to read as follows:

**12.50.085 Permit--Period of validity--Renewals.**

Unified program facility permits required by this chapter shall be issued for a ~~period of one~~each billing year. A valid permit shall be renewable from year to year upon payment, on or before the delinquency date, as defined in Section 12.50.055 of this chapter, contained in the invoice for each such year, of the fees assessed pursuant to Sections 12.50.040 and 12.50.050 of this chapter, or upon payment of such fees and any late payment penalty imposed pursuant to Section 12.50.060 of this chapter, provided the facility is in compliance with all conditions and limitations of such permit. Unified program facility permits shall be deemed to have expired if payment of the

~~renewal~~annual fees and applicable penalties has not been made on or before the delinquency date of the invoice, as defined in Section 12.50.055 of this chapter.

**SECTION 10.** Section 12.50.095 is hereby amended to read as follows:

**12.50.095 Reissuance of a lost permit.**

Where a unified program facility permit has been lost ~~or where the permit has been reinstated following a permit revocation process~~, the chief shall issue a duplicate permit to the owner thereof upon submittal of a complete application pursuant to Section 12.50.080 and, in addition to any other requirements in this chapter, upon payment of all required and past due fees and penalties, and payment of a \$15.00 permit reissuance fee.

**SECTION 11.** Section 12.50.100 is hereby amended to read as follows:

**12.50.100 Terms and scope of permit.**

The unified program facility permit shall identify the effective date and term, the program elements for which issued, the specific conditions where applicable to program elements for which the permit is issued, the address where the program elements are located, and the person, business, or business concern to whom the permit is issued. The permit shall be valid only for the program elements at the identified locations for the identified persons, business, or business concern. If a person, business, or business concern changes activities such that program elements no longer apply at the unified program facility or new program elements or activities apply to the facility, the person, business or business concern shall notify the LACoCUPA in writing within 30 days of the change and the program elements or activities that have been added, deleted or

modified. No refunds of the ~~permit~~ fees or late payment penalties assessed under the provisions of this chapter will be issued to a person, business or business concern which ceases operations or activities for which those fees have been assessed during ~~the course of the term of a permit or~~ course of the billing year.

**SECTION 12.** Section 12.50.105 is hereby amended to read as follows:

**12.50.105 Notice of permit hearing.**

If the chief makes a preliminary determination that a person, business, or business concern to whom a unified program facility permit has been issued may not be conducting the permitted activities in accordance with applicable statutes, regulations, or minimum standards such that permit suspension or revocation may be required or has failed to timely pay the ~~permit~~required fees, the chief shall so notify such person, business, or business concern. The written notice shall briefly describe the violation and specify a time and place of a hearing at which such person, business, or business concern will be afforded an opportunity to present evidence showing there has been no such violation or that the violation has been corrected. The notice shall state that failure to appear and present such evidence may result in suspension or revocation of the permit.

**SECTION 13.** Section 12.50.112 is hereby amended to read as follows:

**12.50.112 Operating without a valid permit.**

No person, business, or business concern shall engage in, conduct, manage, or carry on any business or other activity for which a unified program facility permit is required under this chapter if:

A. They have not obtained a unified program facility permit for such business or activity pursuant to the provisions of this chapter and paid the required permit fees and penalties; or

B. The permit has expired or has been suspended or revoked.

**SECTION 14.** Section 12.50.140 is hereby amended to read as follows:

**12.50.140 Disputes and appeals of permit fees.**

Should a unified program facility dispute the amount or applicability of any fee, charge or late payment penalty charged for any program element, the facility shall:

...

**SECTION 15.** Section 12.50.150 is hereby deleted in its entirety.

~~**12.50.150** **Installment payment system.**~~

~~LACoCUPA may implement, with the concurrence, where applicable, of the PA to the LACoCUPA, an installment payment system for unified program facilities requesting such service. If any installment payment is delinquent, a 40 percent late payment penalty shall be applied to the full amount of the single fee issued pursuant to Section 12.50.035 of this chapter. If any installment payment is not paid within 120 days of the original invoice date, a certificate of lien may be recorded pursuant to Section 12.50.065 of this chapter.~~

**SECTION 16.** Section 12.50.160 is hereby amended to read as follows:

**12.50.160** ~~Actions to e~~Collection of permit fees and late payment penalties.

The county treasurer tax collector may ~~bring suit for the~~undertake all necessary collection activities, including but not limited to bringing suit against any person, permittee, business, or business concern, to recovery of any permit-fee or late payment penalty required by~~assessed pursuant to this chapter, imposed against any person, business, or business concern.~~

**SECTION 17.** Section 12.52.005 is hereby amended to read as follows:

**12.52.005** **Purpose and statutory authority of chapter provisions.**

The purpose of the ordinance codified in this chapter is to ~~separate out from the public health license requirements of Title 8 of the Los Angeles County Code, delineate the specific requirements for a hazardous waste regulatory and enforcement system for activities subject to Chapter 6.5 of Division 20 of the California Health and Safety Code, and Title 22 of the California Code of Regulations. The public health license previously required for hazardous waste producers under Title 8 of the Los Angeles County Code is now established in this chapter as the Los Angeles County hazardous waste license, so that~~Unified program facility fees are established by this chapter for hazardous waste generators in order to offset the county expenses resulting from enforcement~~implementation~~implementation of the state statutes, rules, ~~or~~and regulations relating to hazardous waste ~~are offset by the license fees collected.~~ The authority for this chapter is ~~S~~sections 510 and 2518025404.5 of the California Health and Safety Code.

**SECTION 18.** Section 12.52.015 is hereby amended to read as follows:

**12.52.015 Definitions.**

The following definitions govern the construction of this chapter:

...

~~L. "Hazardous waste license" is the license issued by the county to any hazardous waste generator who falls under the inspection authority of the forester and fire warden as defined in Section 12.50.025 of the County Code. "Hazardous waste license" also means a "unified program facility permit," defined in Section 12.50.010.P of the County Code, issued pursuant to Chapter 12.50 of the County Code to a "unified program facility," defined in Section 12.50.010.O of the County Code, which generates hazardous waste.~~

~~ML. "Large quantity generator" means a person, business, or business concern which generates more than 10,000 pounds of hazardous waste in any month.~~

~~M. "LACoCUPA" or "Los Angeles County Certified Unified Program Agency" means the county forester and fire warden as the designated agency certified by the Secretary of the California Environmental Protection Agency to implement the unified program specified in this chapter within the County of Los Angeles.~~

...

~~R. "Permittee" shall have the same meaning as defined in Section 12.50.010.~~

~~RS. "Recyclable material" has the meaning as defined in section 25120.5 of the California Health and Safety Code.~~

§I. "Recycle" means to use, reuse, or reclaim a hazardous waste or a substance from a hazardous waste, and includes the recovery of resources from a hazardous waste.

¶U. "Tier of permit" or "permit tier" means the type of permit authorized under the Act, or regulations adopted pursuant to the Act, for hazardous waste generators conducting treatment of hazardous waste. The three permit tiers are as follows: (1) permit-by-rule authorized pursuant to regulations adopted by the Department of Toxic Substances Control of the California Environmental Protection Agency; (2) conditional authorization pursuant to section 25200.3 of the California Health and Safety Code; and (3) conditional exemption pursuant to section 25201.5 of the California Health and Safety Code.

¶V. "Treatment" means treatment as defined in section 25123.5 of the California Health and Safety Code.

W. "Unified Program" means the program specified in sections 25404 through 25404.9 of the California Health and Safety Code to consolidate the administration of the six environmental programs described in section 25404(c) of the California Health and Safety Code.

X. "Unified program facility permit" shall have the same meaning as defined in Section 12.50.010.

¶Y. "Waste" means waste as defined in section 25124 of the California Health and Safety Code.

**SECTION 19.** Section 12.52.020 is hereby amended to read as follows:

**12.52.020** ~~**Hazardous waste license**~~ **Unified program facility permit**  
**required.**

Every person, business, or business concern within the jurisdiction of the LACoCUPA in accordance with the provisions of Chapter 6.11 of Division 20 of the California Health and Safety Code which is a hazardous waste generator or which is handling hazardous waste, except solely as a transporter, or except when engaging in other handling of hazardous waste the permitting and regulation of which is within the sole jurisdiction of the state or federal government, shall be required annually to obtain from the LACoCUPA a unified program facility permit in accordance with Chapter 12.50 of this code. Every person, business, or business concern shall apply for the unified program facility permit and pay any permit-fees as required by this chapter before generating or handling hazardous waste. The permit required under this section shall be posted and conspicuously displayed at the location where the hazardous waste is generated or otherwise handled.

**SECTION 20.** Section 12.52.025 is hereby amended to read as follows:

**12.52.025** **Permit--Application requirements.**

Every person, business, or business concern applying for the unified program facility permit required by this chapter shall file an application with the chief, upon a form to be provided by the chief, in accordance with the provisions of Chapter 12.50 of the county code and pay the required fee and any applicable past-due fees or late payment penalty.

**SECTION 21.** Section 12.52.030 is hereby amended to read as follows:

**12.52.030 Fee exemption--Charitable institutions.**

Any person, business, or business concern which conducts, exclusively for charitable purposes, an activity for which a ~~license~~unified program facility permit is required under this chapter and from which no person benefits through the distribution of profits, payment of excessive charges or compensation, or the more advantageous pursuit of their business or profession shall not be charged any fee for such ~~license~~permit. Facts showing entitlement to such exemption from a fee requirement shall be shown by affidavit filed with the forester and fire warden.

A person, business, or business concern which conducts an activity for which a ~~license~~permit is required by this chapter shall be deemed to qualify for a no-fee ~~license~~permit if it complies with ~~§~~section 214 of the California Revenue and Taxation Code as now or hereafter amended.

**SECTION 22.** Section 12.52.040 is hereby amended to read as follows:

**12.52.040 Permit--Period of validity--Renewals.**

Unified program facility permits for the hazardous waste program element required by this chapter shall be issued for ~~a period of one~~each billing year. A valid permit shall be renewable from year to year upon payment, on or before the delinquency date contained in the invoice for each such year, of the fees assessed pursuant to Section 12.52.070 of this chapter, or upon payment of such fees plus any late payment penalty imposed pursuant to Section 12.52.080 of this chapter, provided the facility is in compliance with all conditions and limitations of such permit. Unified

program facility permits shall be deemed to have expired if payment of the renewal fees and applicable penalties has not been made on or before the delinquency date of the invoice as defined in Section 12.50.055 of this code.

**SECTION 23.** Section 12.52.045 is hereby amended to read as follows:

**12.52.045 License Permit--Fictitious name restrictions.**

A ~~hazardous waste license~~unified program facility permit may be issued pursuant to this chapter to a person, business, or business concern duly authorized to transact business in this State, or to a person, business, or business concern operating under a fictitious name who has complied with all of the provisions of ~~Sections~~ Sections 17900 et seq. of the California Business and Professions Code and of any statute superseding or taking the place of such code sections. Otherwise, all such ~~licenses~~permits shall be issued in the true name of the person, business, or business concern applying therefor. Except as above provided, no business so ~~licensed~~permitted may operate under a fictitious name.

**SECTION 24.** Section 12.52.055 is hereby amended to read as follows:

**12.52.055 Reissuance of a ~~license~~lost permit.**

Where a ~~hazardous waste license~~unified program facility permit has been lost or a change of ownership of the licensee has occurred, the chief shall issue a duplicate ~~license~~permit to the owner thereof upon submittal of a complete application pursuant to Section 12.50.080 and, in addition to any other requirements in this chapter, upon payment of all required and past due fees and penalties, and payment of a \$15.00 ~~license~~permit reissuance fee.

**SECTION 25.** Section 12.52.060 is hereby amended to read as follows:

**12.52.060 Operating without a valid permit.**

No person, business, or business concern shall engage in, conduct, manage, or carry on any business or other activity for which a unified program facility permit is required under this chapter if:

- A. They have not obtained a unified program facility permit for such business or activity pursuant to the provisions of this chapter and paid the required permit fees and penalties; or
- B. The permit has expired or has been suspended or revoked.

**SECTION 26.** Section 12.52.070 is hereby amended to read as follows:

**12.52.070 Fees to be paid by hazardous waste generators.**

...

D. Beginning with the 2000-2001 fiscal year, the schedule of fees contained in this section may be adjusted annually by the following procedures:

- 1. Hazardous Waste Generator Fees. Hazardous waste generator fees shall be determined based on the annualized cost to the forester and fire warden to administer the hazardous waste generator program, where annualized cost is defined as the annual salaries, employee benefits, and overhead for the personnel assigned to administer and implement the hazardous waste generator program calculated from rates contained in the forester and fire warden's rate package, as approved by the auditor-controller. The annualized cost shall be reallocated among hazardous waste generators based upon the number of hazardous waste generators in each fee group.

2. Tiered Permit Program Fees. Fees for the Tiered permit fees program shall be determined based on the annualized cost to the forester and fire warden to administer the tiered permit program, where annualized cost is defined as the annual salaries, employee benefits, and overhead for the personnel assigned to administer and implement the tiered permit program calculated from rates contained in the forester and fire warden's rate package, as approved by the auditor-controller. The annualized cost shall be reallocated among hazardous waste generators conducting treatment of hazardous waste under the tiered permit program based upon the number of ~~permittees in~~facilities falling within each fee group.

...

**SECTION 27.** Section 12.52.075 is hereby amended to read as follows:

**12.52.075 License Permit--Delinquency date.**

"Delinquency date" means the ~~thirtysixty~~thirty-first day after the date of the invoice for ~~(A) payment of a license renewal fee, or (B) for payment of a fee for issuance of license for a newly established activity~~issued by the LACoCUPA for any of the fees assessed pursuant to this chapter. Invoice means any bill issued by the LACoCUPA for the fees assessed under this chapter.

**SECTION 28.** Section 12.52.085 is hereby amended to read as follows:

**12.52.085 Late fee payment--Lien against licensee authorized when.**

If the fee and late fee as described in Section 12.52.080 of this chapter is not paid within ~~90~~30 days after the delinquency date, a certificate of lien may be recorded

against the licenseepermittee or person liable for payment of such fee(s) and any late payment penalty as authorized by Section 101345 of the California Health and Safety Code.

**SECTION 29.** Section 12.52.095 is hereby amended to read as follows:

**12.52.095** **Operating without a licensepermit--Injunctive relief.**

Any person violating Section 12.52.020, 12.52.040, or 12.52.060 of this chapter, may be enjoined from such violation by any court of competent jurisdiction. The remedy provided by this section is additional to and cumulative with any other remedy provided by law.

**SECTION 30.** Section 12.52.105 is hereby amended to read as follows:

**12.52.105** **Notice of violation in the handling of hazardous waste.**

If, in the judgment of the chief, the chief makes a preliminary determination that the person, business or business concern to whom a hazardous-waste-licenseunified program facility permit has been issued may not be conducting the licensedpermitted activity in accordance with applicable statutes or minimum standards and regulations, the chief shall so notify such person, business<sub>1</sub> or business concern. The notice shall briefly describe the misconduct, shall specify a time and place of a hearing at which such person, business<sub>1</sub> or business concern will be afforded an opportunity to present evidence showing there has been no such misconduct, and shall state that failure to appear and present such evidence may result in suspension or revocation of the licensepermit.

**SECTION 31.** Section 12.52.110 is hereby amended to read as follows:

**12.52.110            ~~Suspension or revocation of hazardous waste-~~  
~~license~~unified program facility permit.**

A. A ~~hazardous waste license~~unified program facility permit with respect to which notice has been given pursuant to Section 12.52.105 is subject to suspension or revocation as follows:

1. The chief shall conduct the hearing specified in the notice. The hearing shall be informal and shall not be governed by the rules of evidence applicable to courts of law. The person, business, or business concern to whom the ~~license~~permit was issued, shall have the right to present relevant evidence at the hearing. A deputy health officer may, but need not, present relevant evidence. Before the conclusion of the hearing, the chief may, but need not, permit other persons to present relevant evidence. At the conclusion of the hearing, or within a reasonable time thereafter, the chief shall determine, based upon the evidence presented at the hearing, whether the suspected failure identified in the notice has occurred. The determination of the chief shall be final and conclusive. Such determination shall be in writing and contain a brief statement of the findings of fact upon which the determination is based. If the determination is that the suspected failure identified in the notice has occurred, the chief shall suspend or revoke the ~~license~~permit. The chief shall, however, have the discretion not to suspend or revoke the ~~license~~permit if the chief determines that the failure was not willful, is not ongoing, and is not likely to recur.

Any hazardous waste generation or handling for which a ~~hazardous waste license~~unified program facility permit has been suspended or revoked, shall be discontinued immediately and shall not be restarted until the suspended ~~license~~permit has been reinstated or the revoked ~~license~~permit reissued.

A suspended ~~license~~permit may be reinstated or a revoked ~~license~~permit reissued if the chief determines that conditions which prompted the suspension or revocation no longer exist.

2. The chief may suspend a ~~license~~permit prior to the hearing when the chief determines that such action is necessary to protect the public health and safety, domestic livestock, or wildlife from clear and imminent danger. The chief shall promptly notify the person, business, or business concern to whom the ~~license~~permit was issued of such suspension or the lifting of any suspension and the reasons for such action. Unless lifted prior to the revocation hearing the suspension may remain in effect until the chief makes a final determination based upon the revocation hearing.

Any hazardous waste generation or handling for which a hazardous waste license has been suspended, shall be discontinued immediately and shall not be restarted until the suspension of the ~~license~~permit has been lifted or a new ~~license~~permit has been issued.

B. This section shall not deprive the chief or the county of authority to pursue any other action or remedy otherwise available to them under the law.

**SECTION 32.** Section 12.52.115 is hereby amended to read as follows:

**12.52.115 LicensePermit issuance and accounting duties.**

The forester and fire warden shall follow all Los Angeles County auditor-controller requirements regarding the handling and issuing of licensespermits.

**SECTION 33.** Section 12.52.130 is hereby amended to read as follows:

**12.52.130 Minor errors in payments.**

In the event a discrepancy exists between the amount of the fee paid and the amount of the fee due, resulting in an underpayment or an overpayment of the fee in the amount of \$5.00, or less, the chief may accept and record such underpayment or overpayment without other notification to the licenseepermittee or the licensepermit applicant.

**SECTION 34.** Section 12.52.135 is hereby amended to read as follows:

**12.52.135 Refunds.**

The Los Angeles County auditor-controller may refund to the licenseepermittee any moneys collected pursuant to this chapter because of excess, erroneous, or double payment, if the licenseepermittee files a proper claim with the forester and fire warden.

**SECTION 35.** Section 12.52.140 is hereby amended to read as follows:

**12.52.140 Disputes and appeals of assessed license-fee.**

Any dispute or appeal of the amount or applicability of any fee required to be paid pursuant to Section 12.52.040, 12.52.060, 12.52.070<sub>1</sub> or 12.52.080 of this chapter shall be handled in accordance with the procedures for handling disputes and appeals of

unified program facility permit-fees specified in Section 12.50.140 of Chapter 12.50 of the eCounty eCode.

**SECTION 36.** Section 12.56.067 is hereby amended to read as follows:

**12.56.067 Late payment--Lien against propertyperson authorized when.**

If any charge and late payment penalty imposed pursuant to this Chapter 12.56 is not paid within 4260 days after the date of the first invoice requesting payment of the charge, a certificate of lien, as authorized by Ssection 101345 of the California Health and Safety Code, may be recorded against any person whose intentional or negligent action caused the incident as described in Section 12.56.020.

**SECTION 37.** Section 12.60.062 is hereby amended to read as follows:

**12.60.062 Late payment--Lien against responsible party or person requesting oversight authorized when.**

If any fee and late payment penalty imposed pursuant to this Chapter 12.60 is not paid within 4260 days after the date of the first invoice requesting payment of the fee, a certificate of lien, as authorized by Ssection 101345 of the California Health and Safety Code, may be recorded against the responsible party or person requesting oversight, as specified in Section 12.60.050.

**SECTION 38.** Section 12.64.010 is hereby amended to read as follows:

**12.64.010 Definitions.**

The following definitions govern the construction of this chapter:

...

K. "Permittee" shall have the same meaning as defined in Section 12.50.010.

KL. "Process" means any activity involving a regulated substance, including any use, storage, manufacturing, handling, or onsite movement of the regulated substance or any combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located so that a regulated substance could be involved in a potential release, shall be considered a single process.

LM. "Qualified person" means a person who is qualified to attest, at a minimum, to the completeness of an RMP.

MN. "Regulated substance" or "RS" means any substance as defined in Section 25532(g) of the Act.

NO. "Regulated substances accident risk" means a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

OP. "Risk management plan" or "RMP" means the risk management plan required under Part 68 (commencing with Section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations and the California Health and Safety Code, Chapter 6.95, Article 2.

PQ. "State threshold quantity" means the quantity of a regulated substance adopted by the State Office of Emergency Services pursuant to Section 25543.1 or 25543.3 of the Act. Until the office adopts a state threshold quantity for a regulated

substance, the state threshold quantity shall be the threshold planning quantity for the regulated substance specified in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.

QR. "Stationary source" means any stationary source, as defined in Section 68.3 of Title 40 of the Code of Federal Regulations.

RS. "Threshold quantity" or "TQ" means the quantity of a regulated substance that is determined to be present at a stationary source in the manner specified in Section 68.115 of Title 40 of the Code of Federal Regulations and that is the lesser of either of the following:

1. The threshold quantity for the regulated substance specified in Section 68.130 of Title 40 of the Code of Federal Regulations;
2. The state threshold quantity.

T. "Unified program facility permit" shall have the same meaning as defined in Section 12.50.010.

**SECTION 39.** Section 12.64.025 is hereby added to read as follows:

**12.64.025 Permit--Application requirements.**

Every person, business, or business concern within the jurisdiction of the LACoCUPA falling within the requirements of this Chapter shall be required annually to obtain from the LACoCUPA a unified program facility permit in accordance with Chapter 12.50 of this code and pay any fees as required by this Chapter before handling hazardous materials.

**SECTION 40.** Section 12.64.030 is hereby amended to read as follows:

**12.64.030 Compliance required.**

Every business shall comply with reporting requirements as set forth by the county administering agency relating to hazardous materials, regulated substances and stationary sources under the Act.

A. The required reporting includes:

...

4. Certification by the handler of review and revision of the business plan ~~biannually prior to January 1st~~triennially, by the date established by the administering agency, pursuant to ~~§~~section 25505(c) of the Act;

...

**SECTION 41.** Section 12.64.065 is hereby amended to read as follows:

**12.64.065 Late payment penalty.**

If any fee required to be paid pursuant to Sections 12.64.040 through 12.64.060 of this chapter is not paid prior to the ~~36~~301st day after the date of the first invoice requesting payment of the fee, in addition to such fee, the handler shall pay a penalty equal to 40 percent of the total assessed fee(s). Date of payment is determined by postmark date.

**SECTION 42.** Section 12.64.067 is hereby amended to read as follows:

**12.64.067** **Late fee payment--Lien against licensee authorized when.**

If any fee and late fee required to be paid by this chapter are not paid within ~~42~~60 days after the date of the first invoice requesting payment of the fee, a certificate of lien may be recorded against the licensee permittee or person liable for payment of such fee(s) and any late payment penalty as authorized by ~~S~~section 101345 of the California Health and Safety Code.

**SECTION 43.** Section 12.64.075 is hereby added to read as follows:

**12.64.075** **Permit--Period of validity--Renewals.**

Unified program facility permits for the hazardous materials program element required by this chapter shall be issued for a period of one year. A valid permit shall be renewable from year to year upon payment, on or before the delinquency date contained in the invoice for each such year, of the fees assessed pursuant to Sections 12.64.040 and 12.64.050 of this chapter, or upon payment of such fees plus any late payment penalty imposed pursuant to Section 12.64.065 of this chapter, provided the facility is in compliance with all conditions and limitations of such permit. Unified program facility permits shall be deemed to have expired if payment of the renewal fees and applicable penalties has not been made on or before the delinquency date of the invoice. The delinquency date is defined as the 31<sup>st</sup> day after the date of the invoice.

**SECTION 44.** Section 12.64.080 is hereby amended to read as follows:

**12.64.080 Disputes and appeals of assessed fee.**

Any dispute or appeal of the fees and late fees described in Sections 12.64.040, 12.64.050, 12.64.060, and 12.64.065 of this chapter shall be handled in accordance with the procedures for handling disputes and appeals of unified program facility permit fees specified in Section 12.50.140 of Chapter 12.50 of the County Code.

**SECTION 45.** Section 12.64.095 is hereby added to read as follows:

**12.64.095 Re-issuance of a lost permit.**

Where a unified program facility permit has been lost, the chief shall issue a duplicate permit to the owner thereof upon submittal of a complete application and, in addition to any other requirements in this chapter, payment of all required and past due fee and penalties, and payment of a \$15.00 permit re-issuance fee.

[FDHHMDSKCC]

SECTION 46. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.



*Yvonne B. Burke*  
Chair

ATTEST:

*Sachi A. Hamai*  
Sachi A. Hamai  
Executive Officer -  
Clerk of the Board of Supervisors  
County of Los Angeles

I hereby certify that at its meeting of October 7, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes  
Supervisors Gloria Molina  
Zev Yaroslavsky  
Don Knabe  
Michael D. Antonovich  
Yvonne B. Burke

Noes  
Supervisors None

Effective Date: November 6, 2008

Operative Date:

*Sachi A. Hamai*  
Sachi A. Hamai  
Executive Officer -  
Clerk of the Board of Supervisors  
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI  
Executive Officer  
Clerk of the Board of Supervisors

By *[Signature]*  
Deputy



APPROVED AS TO FORM:  
RAYMOND G. FORTNER, JR.  
County Counsel

By *Leela Kapur*  
Leela Kapur  
Chief Deputy County Counsel