

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

February 2002
Report to the Legislature
Status of Unified Program Implementation and the Rural CUPA
Reimbursement Account

Gray Davis, Governor
State of California

Winston H. Hickox, Agency Secretary
California Environmental Protection Agency

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I. Introduction

This report has been prepared in response to Item 0555-001-0001 of the fiscal year 2001/2002 budget bill, which requires:

“Rural Certified Unified Program Agencies (CUPAs)... On or before March 1, 2002 the Secretary for Environmental Protection shall report to the Chair of the Joint Legislative Budget Committee and the chairs of the fiscal and pertinent policy committees of both houses on the agency’s progress to implement the provisions of Chapter 730, Statutes of 2000 (SB 1824, Kelly).”

This report will document for the Legislature the progress made to implement the following provisions of SB 1824:

- 1) The background and current status of the Unified Program.
- 2) The implementation status of the Rural CUPA Reimbursement Account established by Chapter 730, Statutes of 2000.
- 3) The status of implementing CUPAs in current non-CUPA jurisdictions throughout the state.

II. Unified Program Overview

A. Background

In 1993, Chapter 418, Statutes of 1993 (Senate Bill 1082, Calderon) established Chapter 6.11 of the California Health and Safety Code (HSC), which consolidated six existing hazardous materials and hazardous waste regulatory programs within the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) for the purpose of coordinating and making consistent, these programs which oversee multiple environmental mediums. The goal was to improve the level of environmental protection statewide. Within the Unified Program, the Secretary of the California Environmental Protection Agency (Cal/EPA) was given the authority and responsibility to certify and regularly evaluate these new local programs for compliance with established statutory and regulatory standards. SB 1082, as well as recent changes in SB 1824 and Chapter 144, Statutes of 2000 (Assembly Bill 2872, Shelley), also charged the Secretary of Cal/EPA with the responsibility for ensuring the establishment of the Unified Program in all counties throughout California. (Table 1 on page 5 lists the specific programs, state oversight agencies, and associated program statutes and regulations.)

Prior to the creation of the Unified Program, the six program elements were implemented by over 1,300 separate state and local agencies. Implementation of Unified Program elements were inconsistent and ineffective, with regulated facilities subject to multiple fees, permits, inspections, and reporting

requirements. The Unified Program was created to correct the general program fragmentation that previously existed and provide consistent environmental protection throughout the entire state.

Under the provisions of HSC, Chapter 6.11, Cal/EPA was required to adopt regulations for the implementation of the Unified Program by January 1, 1996. These regulations prescribed the responsibilities and criteria for local agencies to implement the Unified Program as Certified Unified Program Agencies (CUPAs). While the general CUPA responsibilities, certification, and program implementation criteria are established in California Code of Regulations (CCR), Title 27, CUPA performance standards specific to each of the six program elements are found within the specific laws and regulations applicable to those program elements (see citations in Table 1 on page 5).

A new section created within the Office of the Secretary at Cal/EPA currently oversees the Unified Program with support from the Department of Toxic Substances Control (DTSC), the State Water Resources Control Board (SWRCB), the Governor's Office of Emergency Services (OES), and the Office of the State Fire Marshal (OSFM).

Table 1.

Unified Program Regulatory Program Element	State Oversight Agency	Statutes and Regulations
Hazardous Waste Generators and Hazardous Waste Onsite Treatment Programs	Department of Toxic Substances Control	HSC, Chapter 6.5 Title 22, California Code of Regulations Division 4.5
Aboveground Storage Tanks	State Water Resources Control Board	HSC, Chapter 6.67
Underground Storage Tanks	State Water Resources Control Board	HSC, Chapter 6.7 Title 23, CCR, Division 3, Chapter 16
Hazardous Materials Release Response Plans and Inventories (Business Plans)	Governor's Office of Emergency Services	HSC, Chapter 6.95 Title 19, CCR, Division 2, Chapter 4
California Accidental Release Prevention (CalARP) Program	Governor's Office of Emergency Services	HSC, Chapter 6.95 Title 19, CCR, Division 2, Chapter 4.5
Uniform Fire Code Hazardous Materials Management Plans and Inventories	Office of the State Fire Marshal	HSC, Section 13143.9 California Fire Code, Section 8001.3

B. Transfer of agency oversight from DTSC to Cal/EPA

Following enactment of SB 1082, DTSC was designated to act on behalf of the Secretary to carry out responsibilities for implementation and oversight of the Unified Program. DTSC developed regulatory standards, guidance, support and evaluation procedures, reporting forms, management systems, and related infrastructure for the program. Ongoing work is needed to further improve and make consistent the implementation of the program by state oversight agencies. In order to be more consistent with the intent of SB 1082, this oversight role was transferred, effective July 1, 2001, to a newly formed Section within the Office of the Secretary at Cal/EPA. The Section is now responsible for carrying out the Secretary's responsibilities for support and oversight of the Unified Program and coordinating the oversight activities of the DTSC, SWRCB, OES, and OSFM. Establishment of the Section within the Office of the Secretary provides a clear point of contact for responsibilities and missions specific to the Unified Program.

The Section continues to identify areas where improvements are needed in the Unified Program to enhance coordination, consolidation, and consistency at both the state and local levels. One of the immediate priorities of the Section is to establish CUPAs in every jurisdiction in the State, to ensure that all program elements are implemented statewide. The Section is assisting the rural non-CUPA counties who are applying for certification through frequent communication and written guidance. Other priorities of the Section are to address the needs and concerns of existing CUPAs by enhancing the existing partnerships, clarifying statutory expectations, and making needed changes in Unified Program regulatory requirements.

C. State/CUPA policy and functional organizations

Several committees, forums, and groups were created as a way for the Secretary, the state oversight agencies, and the CUPAs to implement the Unified Program in an efficient and coordinated manner. These organizations foster communication and resolve policy issues throughout the Unified Program and its stakeholders. Upon certification, the non-CUPA counties will participate in these functional organizations within the Unified Program.

The *Unified Program Policy Group* (UPPG) is an administratively established committee chaired by Cal/EPA, composed of the state and federal agencies that oversee the implementation of program elements within the Unified Program (Cal/EPA, DTSC, OES, SWRCB, OSFM and the United States Environmental Protection Agency). UPPG works on both internal and external issues, develops statewide guidance and policies for Unified Program administration, and coordinates the implementation of Unified Program policies with the CUPA Forum Board.

The *California CUPA Forum* was formed by local agencies to provide a single statewide organization representing all Unified Program Agencies with a single voice in working with federal and state agency partners in the implementation of the Unified Program. The Board is comprised of CUPA representatives from each of the three regions the California CUPA Forum has established. The CUPA Forum Board meets regularly to coordinate policy, procedure, development and implementation statewide.

The *CUPA Regional Forums* are an integral part of the California CUPA Forum. The boundaries of these regions were established by the CUPA Forum Board to allow for maximum coordination and consistency in the Southern, Central, and Northern regions of the state. Representatives from all CUPAs gather to share information and issues with each other at one of the three Regional Forum meetings held at least quarterly. Each region has a Regional Chairperson who coordinates the region's business and represents the region on the CUPA Forum Board. Policy issues are raised at the Forum Board meetings by the regional representatives for discussion and coordination with the state and federal government agencies involved with the program.

The *Unified Program Administrative Advisory Group (UPAAG)* is a partnership of State and CUPA representatives from the UPPG and the CUPA Forum Board. The mission of this group is to assure the Unified Program is implemented in a consistent and consolidated manner statewide. UPAAG functions include policy development, issue resolution, and maintaining open communication between State regulatory agencies and Unified Program Agencies in order to cooperatively resolve issues concerning Unified Program implementation. The Cal/EPA Assistant Secretary for Local Programs and the Chair of the CUPA Forum Board jointly chair the UPAAG.

Subcommittees have also been established to address specific UPAAG objectives and include representatives from state/federal agencies and the CUPAs. Four of these subcommittees are operating at this time to address training, enforcement, public information, and data management. The California CUPA Forum also encourages the formation of regionally based *Technical Advisory Groups* to foster communication, training, and issue resolution regarding specific program elements or areas of concern. These groups work closely with the State agency responsible for that program element in developing the necessary resolution.

D. CUPA certification process and standards

Within the Office of the Secretary, the Section provides extensive guidance to all rural jurisdictions that apply to become a CUPA. Each county is required by law to submit an application for CUPA certification; however, cities or other eligible local agencies may also apply. In order to provide for consistency in application

submittal and review, Cal/EPA has established CUPA certification application standards and requirements in Title 27, CCR.

CUPA certification is not automatic; an applicant local agency must meet the standards established by Cal/EPA in Title 27, CCR in order to be certified as a CUPA. Once an application is submitted, Cal/EPA performs a completeness review to assure all required information has been provided. The application is then reviewed by each of the state oversight agencies that have responsibility for specific Unified Program elements. Program deficiencies identified in the application review are then resolved through ongoing communication between the applicant and state oversight agencies. Applicants must, among other things, demonstrate the local agency has adequate resources and expertise to implement the Unified Program within their jurisdiction. Once the application has been reviewed, a public hearing is held and the Secretary then considers the public comments when determining whether to certify or reject an application. If an application is rejected because the local jurisdiction cannot show an ability to operate a Unified Program, the state will then be required to implement a program in that jurisdiction.

E. CUPA Evaluation Process

Once certified as a CUPA, existing law requires that Cal/EPA periodically review the ability of each CUPA to meet established performance standards and adequately implement the Unified Program within its jurisdiction. In order to evaluate each CUPA, Cal/EPA has established a triennial evaluation cycle for the CUPAs, and developed an evaluation process that is documented in a guidance manual. This formal process provides for consistency and coordination between state agencies in the evaluation process for all CUPAs statewide. In addition to assessing CUPA implementation of the Unified Program to ensure the program complies with statewide standards, the evaluation process is designed to enhance state and local agency partnerships, recognize unique abilities, and provide feedback to the CUPAs to allow for continuous improvement of the Unified Program.

CUPA evaluations are conducted by an evaluation team composed of representatives from each of the state oversight agencies (Cal/EPA, DTSC, SWRCB, OES, and OSFM).

The evaluation consists of:

- 1) A records review.
- 2) A “field” review of a regulated facility inspection.
- 3) An evaluation report that documents the findings of the evaluation and provides recommendations for CUPA improvement.

The records review evaluates the quality, completeness, and maintenance of CUPA required documents, records, and procedures to determine whether

CUPA practices meet the established performance standards. The “field” review examines the ability of CUPA staff to effectively ensure through the inspection process that regulated businesses are complying with hazardous materials and hazardous waste management requirements. The “field” evaluation consists of evaluation team members observing CUPA staff during an inspection of a regulated facility. The evaluation team focuses on how the inspection is conducted and documented and whether CUPA staff adequately identify violations, and if necessary enforcement actions are taken.

Upon completion of the records and “field” review, the evaluation team prepares a checklist of its preliminary findings, which documents the CUPA’s level of compliance with established statewide performance standards. The evaluation team then reviews these preliminary findings with the CUPA to make them aware of the initial findings and to respond to questions they may have regarding the evaluation. After meeting with the CUPA, the evaluation team prepares an evaluation report documenting all identified deficiencies in the CUPA’s implementation of the Unified Program. In addition to documenting deficiencies, the report also includes recommendations on how to address deficiencies and may propose a formal Program Improvement Agreement to address major deficiencies.

Evaluations of all CUPAs have now been completed. In accordance with the triennial evaluation schedule, it took nearly three years to complete the entire cycle. Because the second round of evaluations are now being conducted, we will soon be able to assess improvements that have been made with the continuing maturation of the program. We are striving to use the CUPA evaluations as an ongoing program improvement process to identify common trends, which will be addressed with specific training and/or guidance. In addition, outstanding successful program elements are being identified so they can be adopted by other CUPAs.

F. Unified Program Enforcement

During the last three years, Cal/EPA, through the UPAAG, has improved the enforcement capabilities of the CUPAs.

The UPAAG developed guidance for CUPAs entitled “Guidance for the Preparation of Inspections and Enforcement Program Plans.” All CUPAs have been provided with a copy of this document and trained in its use. The document will be used as a standard for Unified Program enforcement programs statewide and as part of the CUPA evaluations conducted by the State.

Cal/EPA entered into an agreement with the CUPA Forum Board to develop and implement an administrative enforcement order process in all CUPAs for the hazardous waste management element of the Unified Program. Administrative enforcement order guidance was developed for use by the CUPAs and all

CUPAs have received training in the use of this guidance and are using this tool to improve compliance with hazardous waste laws. In order to help eliminate resistance to the use of the orders, resulting from the CUPAs fear that they will not have the fiscal resources to formally respond to appeals to administrative orders, the DTSC has arranged a contract with the Office of Administrative Hearings to support the appeals process. The Office of Administrative Law will provide an Administrative Law Judge to hear appeals that may result from the issuance of these orders.

Due to the success in establishing an administrative enforcement order process for the hazardous waste management program, Cal/EPA is currently developing a plan to apply the same enforcement process to the remaining five programs within the Unified Program. This effort will result in standardized enforcement processes across all program elements.

As a result of these efforts, there has been a significant increase in the number of violations identified, and enforcement actions taken, by CUPAs during the last three years. In 1998 the CUPAs reported making a total of 77,940 inspections for all programs. In 2001, they reported making a total of 89,032 inspections--an increase of 14.2 percent. While these statistics represent an increase in inspection activity as the programs matured, they are only a minor part of the success story.

During the same period of time, the number of violations cited by the CUPAs increased by 90 percent (15,770 to 29,973), the number of informal enforcement actions taken increased by 102 percent (12,558 to 25,490), and the number of formal enforcement actions increased by 277 percent (287 to 1082). Cal/EPA has formed within the UPAAG a standing workgroup to continue to work on improving the enforcement capabilities and efforts of the CUPAs.

G. Training

Training of Unified Program personnel is extremely important to assure statewide consistency, maintenance of a level playing field for business, and effective implementation of the Unified Program. State oversight agencies provide training to CUPAs to assist them in the implementation of the Unified Program. Training is coordinated through a network of Regional Training Coordinators consisting of representatives from each CUPA Forum region and staff from state oversight agencies. This network allows training sessions to be developed and facilitated regionally or delivered statewide through the UPAAG Training Committee.

A universal training calendar is then developed by the UPAAG Training Committee, which identifies all training planned for the upcoming year.

H. Data Management

AB 2872 requires the Secretary to establish an electronic geographic information management system capable of receiving all data required to be collected by the CUPAs and making all non-confidential data available on the Internet. This project is being defined in a draft feasibility study, which is currently under development. The proposed format for this system resembles existing Unidocs (<http://www.unidocs.org>) and Geotracker (<http://geotracker2.arsenaultlegg.com>) data systems that are now available on the Internet.

The proposed data system will consolidate information from all Unified Program Agencies into a state data warehouse. This database will help local, state and federal officials prevent criminal misuse of hazardous materials and assist them in emergency response activities. This system is being developed to effectively interact with a nationwide information technology initiative spearheaded by the U.S. EPA.

III. Cal/EPA's Efforts to Assist Non-CUPA Jurisdictions

A. Previous responses to Legislative Analyst's Office and California State Auditor Concerns

Past reports from the Legislative Analyst's Office (LAO) and the California State Auditor have discussed several issues regarding deficiencies with the Unified Program and its implementation and oversight. The primary issue still remaining is that 14 counties have not yet implemented all elements of the Unified Program. These are mainly small rural counties with a limited number of regulated businesses and a limited fee base to support program implementation. Most of the existing non-CUPA counties did not apply to be a CUPA by the original deadline of January 1997, because they were not prepared or could not afford to establish the administrative structure necessary to implement the Unified Program.

The LAO has stated that the lack of CUPA program implementation throughout the state has two major consequences. First, the level of environmental protection is inconsistent statewide because the level of environmental protection afforded to residents in non-CUPA counties is less than in jurisdictions with a CUPA. Second, the regulation of businesses is inconsistent statewide, thus creating unfair business practices.

Businesses in counties where the CUPA program is not being carried out are subject to fewer regulatory requirements, a lower level of enforcement, and a lower fee burden than businesses in other jurisdictions that have a fully operational CUPA program. This lack of consistency results in an unfair

competitive advantage for businesses in non-CUPA counties over those located in CUPA counties.

B. Cal/EPA Efforts to Assist Non-CUPA Jurisdictions

Cal/EPA and the oversight agencies have implemented a focused effort to develop certified programs in the remaining non-CUPA counties. This effort has included the development of guidance and assistance to non-CUPA jurisdictions and was intended to educate non-CUPA jurisdictions on requirements for certification and the implementation of the Unified Program.

The effort to provide assistance to non-CUPA counties began with coordination meetings conducted by Cal/EPA with the California Department of Health Services, the Regional Council of Rural Counties, and state oversight agencies. In these meetings, workshops and presentations were planned and guidance materials for non-CUPA counties were developed. The guidance materials directed non-CUPAs through each step of the application process and included a model application. State agencies then presented two identical workshops in Colusa and Sacramento for non-CUPA jurisdictions covering the requirements for each element of the Unified Program. The workshops also provided information on the Rural CUPA Reimbursement Account application process.

Cal/EPA made presentations to and in many cases met individually with non-CUPA County Boards of Supervisors. The intent of these meetings was to provide members of the Board of Supervisors with information regarding the benefit of the Unified Program in their jurisdiction and to assist them in designating the appropriate agency within their county to seek certification to implement the Unified Program.

C. Non-CUPA Status

Cal/EPA has certified a total of 72 CUPAs covering 44 of the 58 counties in California. Most of the CUPAs have been established as a function of a local environmental health agency or fire department. The 72 CUPAs together regulate an area that represents about 98 percent of the total population of the state. In addition to the 72 CUPAs, some CUPAs have agreements with other local agencies, known as a Participating Agency (PA), to implement one or more Unified Program elements under their authority. For example, a local city fire department may implement the hazardous materials business plan program element under the authority of the county CUPA and in coordination with the other program elements. There are currently 35 PAs located throughout the state. The remaining 14 uncertified counties are mainly rural counties that need financial assistance to carry out the implementation of the Unified Program.

These 14 uncertified jurisdictions currently conduct some elements of the Unified Program as Designated Agencies. The Secretary has designated them to continue implementing specific program elements of the Unified Program until full

program certification occurs. As a result of funding provided by the Rural CUPA Reimbursement Account and the ongoing efforts of Cal/EPA and oversight agencies, all but two counties have submitted applications to be CUPAs. The goal is to have these 12 counties certified as CUPAs by June 2002.

The two remaining counties that have not submitted applications for certification are Imperial and Trinity. Imperial County has sent a letter to Cal/EPA stating that they intend to further study the viability of becoming a CUPA. Trinity County has responded in a letter stating that they do not intend to apply to become a CUPA due to the small number of regulated facilities in that jurisdiction. Cal/EPA will continue to work with these two jurisdictions to develop either a local or state CUPA.

D. Rural CUPA Reimbursement Account

SB 1824 established the Rural CUPA Reimbursement Account and authorized the Secretary to provide funds from the account to qualified non-CUPA counties once they become certified to implement the Unified Program. The 14 non-CUPA counties that qualify for reimbursement from this account are rural counties that need financial assistance in order to implement the Unified Program. The enactment of SB 1824 has helped to address the funding dilemma that has kept many rural counties from becoming certified. Non-CUPA jurisdictions may now hire necessary staff to carry out the Unified Program. They may also utilize the option to contract with another agency for implementation of the Unified Program within their county. Twelve of the fourteen non-CUPA jurisdictions eligible for the funds have begun program development now that funding assistance is available and, as previously stated, have submitted applications to the Secretary to become certified. The Rural Reimbursement Application states that in counties where a CUPA has not been established on or before January 1, 2000, the county is eligible for an allocation of funds of up to \$60,000 annually subject to certain requirements.

To apply for the Rural CUPA Reimbursement Account, each CUPA must meet the following criteria:

- A county with a population of less than 70,000 persons must provide 25 percent match for funds received from the Rural CUPA Reimbursement Account.
- A county with population of more than 70,000 but less than 100,000 persons must provide a 50 percent match for funds received from the Rural CUPA Reimbursement Account.
- A county with a population of more than 100,000 but less than 150,000 persons must provide a 65 percent match for funds received from the Rural CUPA Reimbursement Account.
- Each CUPA must institute a single fee system.

CUPAs that meet these guidelines may apply for the reimbursement funding through a simple two-page application form developed by Cal/EPA (Attachment 1). The CUPAs are also required to submit a Year-End Financial Report to determine that funds were expended in accordance with the respective CUPA's approved budget.

IV. Conclusion

Prior to the creation of the Unified Program, the six program elements were implemented by over 1,300 state and local agencies. Enforcement of program elements was inconsistent and ineffective; and regulated facilities were subjected to multiple fees, permits, inspections, and reporting requirements. The Unified Program was created to correct the general fragmentation that was occurring throughout the state and to provide consistent environmental protection statewide. An overwhelming majority of the 72 CUPAs within the state have made tremendous progress implementing the Unified Program in the way that it is intended. Among all the CUPAs and PAs, the Unified Program is currently implemented throughout 44 of the most industrialized counties in California, containing 98 percent of the population and approximately 120,000 regulated businesses. There are still 14 rural counties that do not have Certified Unified Programs.

It is understood there is a continued need for consistent Unified Program implementation throughout the state. The level of environmental protection afforded to residents in non-CUPA counties is less than in jurisdictions with a CUPA. In addition, businesses in counties where elements of the CUPA program are not being implemented are subject to fewer regulatory requirements, a lower level of enforcement, and a lower fee burden than business in other jurisdictions that have a fully operational CUPA program. This imbalance results in an unfair competitive advantage to businesses in non-CUPA counties compared to those businesses located within CUPAs. Due to the passage of SB 1824, and subsequent funding of the Rural CUPA Reimbursement Account, 12 of the remaining 14 non-CUPA jurisdictions have now applied for certification. It is expected that all but two counties in the state will be certified as CUPAs by June 2002, bringing the total up to 56 of 58 counties. These final two counties will require further assistance to develop a Unified Program within their jurisdictions. Ultimately if a local program is not implemented within the remaining non-CUPA counties, the State will develop and operate a certified program in those jurisdictions.

V. Acronym and Abbreviation List

CUPA	Certified Unified Program Agency
Cal/EPA	California Environmental Protection Agency
DTSC	Department of Toxic Substances Control
SWRCB	State Water Resources Control Board
OES	Governor's Office of Emergency Services
OSFM	Office of the State Fire Marshal
US EPA	United States Environmental Protection Agency
HSC	Health and Safety Code
CCR	California Code of Regulations
PA	Participating Agency
LAO	Legislative Analyst's Office
UPPG	Unified Program Policy Group
UPAAG	Unified Program Administrative Advisory Group
SB 1082	Chapter 418, Statutes of 1993 (Senate Bill 1082, Calderon)
SB 1824	Chapter 730, Statutes of 2000 (Senate Bill 1824, Kelly)
AB 2872	Chapter 144, Statutes of 2000 (Assembly Bill 2872, Shelley)

December 21, 2001

«Title_1» «First» «Last»
«Title_2»
«County»
«Address»
«City», «State» «Zip_Code»

RURAL REIMBURSEMENT ACCOUNT FISCAL YEAR 2001-2002

As of January 1, 2002, a county for which a Certified Unified Permit Agency (CUPA) has not been certified on or before January 1, 2000, and where the Unified Program is implemented after that date, is eligible for an allocation pursuant to subdivision (d) of Section 25404.8 California Health and Safety Code (HSC). Any CUPA meeting the criteria requirements may receive a disbursement from the Rural Reimbursement Account.

Requirements include filing a Disbursement Worksheet for the Rural Reimbursement Account, certification as a CUPA, official documentation of population, an established single fee system and an approved budget for the Unified Program from the Board of Supervisors. Certification, the Disbursement Worksheet, and confirming documentation, must be received by June 5, 2002 to qualify for a disbursement for fiscal year 2001-2002. Any CUPA that fulfils all requirements will receive a disbursement, barring unforeseen state fiscal constraints.

Attached you will find the "Reimbursement Guidelines", "2001-2002 Disbursement Worksheet for Rural CUPA Reimbursement Funds", and the "Year-End Worksheet/Report". Please fill out the attached Disbursement Worksheet and return it to Kathleen Harvey at the address on the bottom of the application. The "Year-End Worksheet/Report" is due to the Unified Program by September 30, 2002.

If you have questions or concerns, please contact Kathleen Harvey, Staff Environmental Scientist at (916) 327-5097 or by email at kharvey@calepa.ca.gov

Sincerely,

Larry Matz
Chief of Unified Program
(916) 327-3442

Attachment
cc: See next page.

December 21, 2001

Page 2

RURAL REIMBURSEMENT ACCOUNT FISCAL YEAR 2001-2002

cc: Jim Hemminger, RCRC

Justin Malan, CCDEH

Doug Snyder, Chair CUPA Forum Board

Don Johnson, Assistant Secretary CalEPA

Butte County Board of Supervisors

Calaveras County Board of Supervisors

Colusa County Board of Supervisors

Glenn County Board of Supervisors

Imperial County Board of Supervisors

Inyo County Board of Supervisors

Lassen County Board of Supervisors

Mariposa County Board of Supervisors

Modoc County Board of Supervisors

Plumas County Board of Supervisors

Sierra County Board of Supervisors

Sutter County Board of Supervisors

Tehama County Board of Supervisors

Trinity County Board of Supervisors

Yuba County Board of Supervisors

Unified Program Policy Group Members

Reimbursement Guidelines

As of January 1, 2002, a county for which a Certified Unified Permit Agency (CUPA) has not been certified on or before January 1, 2000, and where the Unified Program is implemented after that time, is eligible for an allocation of up to \$60,000, pursuant to subdivision (d) of Section 25404.8 California Health and Safety Code (HSC). Any CUPA may apply for the Rural CUPA Reimbursement Account if it meets the following criteria.

General allocation standards:

- If the county has a population of less than 70,000 persons, the amount of the funds allocated from the account shall not exceed 75 percent of the amount budgeted by the CUPA to implement the unified program.
 - If the county has a population of more than 70,000, but less than 100,000 persons, the amount of the funds allocated from the account shall not exceed 50 percent of the amount budgeted for the CUPA to implement the unified program.
 - If the county has a population of more than 100,000 but less than 150,000 persons, the amount of the funds allocated from the account shall not exceed 35 percent of the amount budgeted for the CUPA to implement the unified program.
- Each CUPA must institute a single fee system (Section 25404.5), so that the revenues collected under the single fee system and the amount allocated are sufficient to pay the necessary costs incurred by the CUPA in implementing the unified program. Each CUPA must determine the level to be paid by regulated persons under the unified program by conducting a workload analysis that establishes the direct and indirect costs to the CUPA of implementing the unified program.

To receive a disbursement from the Rural Reimbursement Account, a county must provide all of the following to the Unified Program and meet certification requirements:

1. A completed disbursement worksheet for Rural Reimbursement Account funds.
2. A copy of an official County population estimate*.
3. A copy of the final CUPA Budget approved by the Board of Supervisors.
4. A copy of evidence that a single fee system has been adopted by the county.

* *Current U.S. Census data (2000) or other recognized source.*

No more than \$60,000 may be allocated for all CUPAs in an eligible county.

For help completing the Disbursement Worksheet or the Year-End Report, please contact Kathleen Harvey at (916) 327-5097.

Fiscal Year 2001-02 DISBURSEMENT WORKSHEET FOR RURAL CUPA REIMBURSEMENT FUNDS

APPLICANT CUPA

CUPA Name _____ certification date _____
 Street Address _____
 City/Zip _____
 Contact Person _____ Phone _____
 County _____ email _____

I.

County population estimate, attach documentation A _____
(Census 2000 documentation will be sufficient)

Total final adopted budget amount for unified program B \$ _____

- 1) If A is less than 70,000 persons the requested amount shall not exceed 75% of B
- 2) If A is more than 70,000 but less than 100,000 persons the requested amount shall not exceed 50% of B
- 3) If A is more than 100,000 but less than 150,000 persons the requested amount shall not exceed 35% of B

The total reimbursement amount per county cannot exceed \$60,000.

Multiply B \$ _____ times the requested percent _____ % = \$ _____; if this amount does not exceed \$60,000, please write amount in C below. If amount above equals more than \$60,000, please write \$60,000 in C below.

Amount Requested from the CUPA Reimbursement Fund C \$ _____

II. The revenues collected under the single fee system adopted in the county must be sufficient, with the amount allocated, to pay the necessary costs incurred by the CUPA to implement the unified program. To complete this process, evidence of the adoption of a single fee system must be forwarded to the address below, or attached to this worksheet prior to submittal.

Single fee system adopted yes no *(circle one)*
 Evidence of single fee attached yes no *(circle one)*

Disbursement should be made to the following person/agency

(Mailing address)

Disbursement will be made after receipt of all information above.

I have read the reimbursement guidelines and to the best of my knowledge and belief, data in this application are true and correct. The budget has been duly approved and authorized by the governing board of the applicant CUPA and the CUPA will maintain compliance with Title 27, California Code of Regulations.

Contact Signature Printed Name Title Date

Attachments requested: official population estimate, approved unified program budget with authorized signatures, evidence of adoption of single fee system

Return disbursement/worksheet and attachments to: Kathleen Harvey, Staff Environmental Specialist, Unified Program, Cal/EPA, P.O. Box 2815 Sacramento, CA 95812.

YEAR-END WORKSHEET/REPORT

September 30, 2002

The Unified Program will review this report to determine that funds were expended in accordance with each approved budget and reimbursement for the preceding fiscal year.

APPLICANT CUPA:

CUPA Name _____

Street Address _____

City/Zip _____

Contact Person _____ Phone _____

Email address _____

County _____

Fiscal Year _____

- | | |
|--|--------------|
| 1) Actual CUPA Expenditures of Rural Reimbursement Account funds | \$ _____ |
| 2) Reimbursement received | \$ _____ |
| | + |
| 3) Subtract 2 from 1 | \$_(-) _____ |

Please check one if results of 5 are negative

_____ The County intends to refund the difference of the reimbursement to the Unified Program

_____ The County intends to carry unexpended funding into the next fiscal year, and will reflect this in the next Rural Reimbursement request

The undersigned certifies, under penalty of perjury, that the above information is true and correct.

Authorized Signature Title Date

Return this form to: Kathleen Harvey, Staff Environmental Specialist, Unified Program, Cal/EPA, P.O. Box 2815, Sacramento, CA 95812.