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AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: TERESA DELOACH REED
FIRE CHIEF

SUBJECT: Certified Unified Program Agency Grant DATE: November 15, 2012

City Administrator
Approval

Date

11/27/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends Council approval of a resolution authorizing the City Administrator to apply for, accept and appropriate grant funds from the California Environmental Protection Agency (CalEPA) to the Oakland Fire Department (OFD) in the amount of Seventy-Eight Thousand Seven Hundred and Fifty-Six Dollars (\$78,756) to purchase California Electronic Reporting System (CERS) compatible software, computers and provide a means for business workshops for Oakland companies required to submit hazardous materials reporting information to the CUPA.

EXECUTIVE SUMMARY

Assembly Bill 2286 passed January 1, 2009, which requires all regulated businesses and all regulated local government agencies, called Certified Unified Program Agencies (CUPA), to use the Internet to file required CUPA Program information now filed by paper forms. This includes facility data concerning hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation. It also includes CUPA data such as inspections and enforcement actions. All regulated businesses and Unified Program Agencies in the State of California must use the Internet to file by January 1, 2013.

The California Environmental Protection Agency (CalEPA) has developed and is implementing the California Electronic Reporting System (CERS). Beginning January 1, 2013 the City of Oakland businesses will be required to provide reporting data directly to CERS in order to become compliant with Assembly Bill 2286. The Oakland Fire Department will require software, hardware upgrades, and the development of multi-language training material /brochures for local businesses to inform them of this reporting change.

The grant funding provided to the Oakland Fire Department, Fire Prevention Bureau with supplemental funding needed to successfully implement the State of California requirements to

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submit hazardous materials business plan information electronically by all businesses that have CUPA hazardous materials reporting mandates, and for CUPA program administrators to electronically provide inspection and enforcement data to CERS.

OUTCOME

OFD will use CERS as its primary data management system to collect CUPA Program data in the manner specified in the California Code of Regulations (CCR) Title 27 data dictionary. CERS is capable of meeting all of the reporting requirements for OFD and CalEPA / CERS reporting. Businesses will submit and update CUPA information into CERS, and OFD will use CERS to exchange inspection and enforcement data collected by Fire Prevention Bureau Inspectors. The transition from the current data management system to the CERS reporting system is expected to be complete by February 2013.

BACKGROUND/LEGISLATIVE HISTORY

As previously mentioned, Assembly Bill 2286 requires all businesses to submit Unified Program facility reporting electronically (instead of on paper forms) starting January 1, 2013. The Oakland Fire Department requires that reporting businesses submit an updated hazardous materials inventory statement by March 1st of each year.

ANALYSIS

CERS will serve as a single data collection point and source for Unified Program information. By using a consistent, single location for data validation and approval, staff will be able to ensure reporting timeframes for local businesses to CERS are met, as well as the Oakland Fire Department CUPA inspection reporting mandates.

Staff working in collaboration with CalEPA Electronic Data Transition staff, conducted a program needs assessment to determine the required software and hardware needed to implement the program by January 2013. The equipment has been identified, and will be purchased using approved grant funds outlined in this report.

PUBLIC OUTREACH/INTEREST

Business outreach surrounding the new electronic reporting requirements will continue to occur before, during and after CERS is fully implemented by the OFD. By December 13, 2012 Oakland businesses will receive information bulletins notifying them of the mandatory electronic reporting requirements beginning the first of the year. The Oakland Fire Department will provide a computer workstation located at the Fire Prevention Bureau for businesses without internet access.

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COORDINATION

Fire Prevention Bureau staff is working in collaboration with City of Oakland Department of Information Technology (DIT) and California Environment Protection Agency, Electronic Data Transition staff to ensure that the software and hardware purchased with this grant funding will meet the data management requirements of the Unified Program reporting requirements. Additionally, the Budget Office and the City Attorney's office assisted in the coordination of this report.

COST SUMMARY/IMPLICATIONS

Approval of the proposed resolution will authorize the application, acceptance and appropriation of this Electronic Data Reporting Transition grant in the amount of \$78,756 for the development and implementation of an Oakland Fire Department, Fire Prevention Bureau, and Certified Unified Program Agency (CUPA) Hazardous Materials Electronic Data Reporting System. Funding will be appropriated to Fund (2159) State of California Grant, Organization (20321) Fire Prevention Bureau Program (PS23), Miscellaneous State Account (46229). The funding agency requires no grantee match, however staff costs are restricted to 35% of the grant allocation. There is no fiscal impact to the general fund.

The Fire Prevention Bureau, Hazardous Materials Program Manager will administer the grant.

Ongoing Support and Maintenance

Ongoing costs associated with the implementation of electronic reporting include support and maintenance costs of the OFD CERS system. These ongoing costs will be funded by the Fire Prevention Bureau, CUPA Program operating budget through the City budget approval process.

SUSTAINABLE OPPORTUNITIES

Economic: The California Environmental Protection Agency, Electronic Data Reporting Grant provides opportunities to local vendors and merchants. Whenever possible, and unless otherwise directed by the CalEPA agreements, grant monies will be spent locally.

Environmental: The Hazardous Materials Inspections conducted by the Fire Prevention Bureau promote the use of environmentally safe practices during handling and storage of the various hazardous materials in use within the City of Oakland. This information is made available to residents that live and work near these facilities.

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Social Equity: The Oakland Fire Department is the Certified Unified Program Agency (CUPA) for the City of Oakland. The information provided by the development of the electronic reporting system will be used as a planning, inspection and response guidance tool in the event of a local natural disaster or accident, and support the Department of Toxic Substances Control, Environmental Justice Project.

For questions concerning this report, please contact, LeRoy Griffin, Assistant Fire Marshal, Fire Prevention Bureau at (510) 238-7759.

Respectfully submitted,



Teresa DeLoach Reed
Fire Chief

Reviewed by:
James Williams
Deputy Fire Chief / Fire Marshal

Reviewed by:
Cynthia Perkins
Chief of Staff

Prepared by:
LeRoy Griffin
Assistant Fire Marshal

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 City Attorney

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OAKLAND CITY COUNCIL

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RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE GRANT FUNDS FROM THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CALEPA) TO THE OAKLAND FIRE DEPARTMENT (OFD) IN THE AMOUNT OF SEVENTY-EIGHT THOUSAND SEVEN HUNDRED AND FIFTY-SIX DOLLARS (\$78,756) TO PURCHASE CALIFORNIA ELECTRONIC REPORTING SYSTEM (CERS) COMPATIBLE SOFTWARE AND COMPUTERS TO PROVIDE A MEANS FOR BUSINESS WORKSHOPS FOR OAKLAND COMPANIES TO SUBMIT HAZARDOUS MATERIALS REPORTING INFORMATION TO THE CERTIFIED UNIFIED PROGRAM AGENCY (CUPA) AS REQUIRED BY AB 2286

WHEREAS, Assembly Bill 2286 passed January 1, 2009, which requires all state regulated hazardous materials businesses and all regulated local government agencies, called Certified Unified Program Agencies (CUPA), to use the Internet to file required CUPA Program information now filed by paper forms; and

WHEREAS, the California Environmental Protection Agency (CalEPA) has developed and is implementing electronic reporting software to meet the internet reporting requirement; and

WHEREAS, beginning January 1, 2013, City of Oakland businesses will be required to provide reporting data directly to the California Electronic Reporting System (CERS) in order to become compliant with Assembly Bill 2286; and

WHEREAS, CERS is capable of meeting all of the reporting requirements for OFD and CalEPA / CERS reporting. Businesses will submit and update CUPA information into CERS, and OFD will use CERS to exchange inspection and enforcement data collected by Fire Prevention Bureau Inspectors; and

WHEREAS, the grant funding provided to the Oakland Fire Department, Fire Prevention Bureau will provide the supplemental funding needed to successfully implement the State of California requirements to submit hazardous materials business plan information electronically by all businesses that have CUPA hazardous materials reporting mandates, and for CUPA program administrators to electronically provide inspection and enforcement data to CERS; now therefore be it

RESOLVED, That the City Administrator is hereby authorized to apply for, accept and appropriate grant funds from the California Environmental Protection Agency (CalEPA) to the Oakland Fire Department (OFD) in the amount of Seventy-Eight Thousand Seven Hundred and Fifty-Six Dollars (\$78,756) to purchase California Electronic Reporting System (CERS) compatible software, computers to provide a means for business workshops for Oakland companies to submit hazardous materials reporting information to the CUPA as required by AB

FURTHER RESOLVED, That funding will be appropriated to Fund (2159) State of California Grant, Organization (20321) Fire Prevention Bureau Program (PS23), Miscellaneous State Account (46229); and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept this grant; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said agreements as to form and legality and copies of said agreements shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California