
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Blakespear, Chair

2025 - 2026 Regular

Bill No: AB 993

Author: Hadwick

Version: 5/23/2025

Hearing Date: 7/16/2025

Urgency: No

Fiscal: Yes

Consultant: Taylor McKie

SUBJECT: Hazardous materials management: Rural CUPA Reimbursement Account

DIGEST: This bill expands eligibility for the Rural Certified Unified Program Agency (CUPA) Reimbursement Account to include all counties with populations of less than 150,000.

ANALYSIS:

Existing federal law:

- 1) Enacts the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, which was created to help communities plan for chemical emergencies. EPCRA requires industry to report on the storage, use, and releases of hazardous substances to federal, state, and local governments. It also requires state and local governments, and tribes to use this information to prepare their community for potential risks. (42 United States Code § 11001, et seq.)

Existing state law:

- 1) Requires the Secretary of the California Environmental Protection Agency (CalEPA) to adopt implementing regulations and implement a unified hazardous waste and hazardous materials management regulatory program, known as the unified program. (Health and Safety Code (HSC) § 25404(b))
- 2) Defines “Certified Unified Program Agency” or “CUPA” as the agency certified by CalEPA to implement the unified program within a jurisdiction. (HSC § 25404(a)(1)(A))
- 3) Defines “Unified Program Agency” or “UPA” as the CUPA to implement or enforce a particular Unified Program element. UPAs have the responsibility and authority to implement and enforce the unified program requirements and implementing regulations. (HSC § 25404(a)(1)(C))

- 4) Establishes the Rural CUPA Reimbursement Account and prohibits CalEPA from allocating more than \$60,000 for all CUPAs in an eligible county. (HSC § 25404.8)
- 5) Makes a county in which a CUPA has not been certified on or before January 1, 2000, and where the unified program is implemented at the discretion of the Secretary of CalEPA eligible for an allocation from the Rural CUPA Reimbursement Account. (HSC § 25404.8(a); HSC § 25404.3(f)(2)(A))

This bill expands eligibility, upon appropriation by the Legislature, for an allocation from the Rural CUPA Reimbursement Account to every county that has a population of less than 150,000.

Background

- 1) *Certified Unified Program Agencies.* CUPAs are local agencies certified by the Secretary of CalEPA to implement and enforce six “unified hazardous waste and hazardous materials management” regulatory programs (Unified Program). Currently, there are 81 CUPAs in California tasked with implementation and enforcement of the following:
 - a) Hazardous Materials Release Response Plans and Inventories (Business Plans);
 - b) California Accidental Release Prevention (CalARP) Program;
 - c) Underground Storage Tank Program (USTP);
 - d) Aboveground Petroleum Storage Act (APSA);
 - e) Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs; and,
 - f) California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements.
- 2) *Rural CUPA Reimbursement Program.* Beginning on January 1, 2002, the Rural CUPA Reimbursement Program was created for a county for which a CUPA was not certified on or before January 1, 2000, and the Unified Program was implemented afterward. At the time, only 13 out of 25 rural counties were considered eligible and the fund was intended to support the operations of those counties that did not join the Unified Program. A CUPA may apply for Rural CUPA Reimbursement if it has a population of less than 150,000, and the amount of funds allocated depends on the population size. No more than \$60,000 may be allocated for all CUPAs in an eligible county. No disbursement can be distributed until an applicant county is fully certified and has adopted a single fee system.

Each CUPA must institute a single fee system (HSC § 25404.5), to ensure that the revenues collected under the single fee system and the amount allocated are sufficient to cover the necessary costs incurred by the CUPA for implementation of the Unified Program. Each CUPA must determine the amount of the single fee to be paid by regulated persons/businesses by conducting a workload analysis that establishes direct and indirect costs incurred by the CUPA for implementation of the Unified Program. The Rural CUPA Reimbursement Program supplements the revenue from fees for those 13 rural counties.

Comments

- 1) *Purpose of Bill.* According to the author, “Rural local agencies that protect the public and first responders from accidental releases or spills of hazardous materials and waste are under resourced, threatening public safety. Assembly Bill 993 increases funding for these rural local agencies and expands eligibility to more counties. This measure will increase local capacity to respond to wildfires and other hazardous material emergencies, ensure first responders are aware of dangerous chemicals and substances stored in the buildings throughout the communities they protect, and help prevent underground and aboveground storage tank leaks that may contaminate land and drinking water supplies.”
- 2) *Expanding eligibility.* While some small, rural counties benefit from the Rural CUPA Reimbursement program, the 12 other counties that became certified while the CUPA program was being formed do not have access. These counties would also benefit from additional funding. Because funding for CUPAs is supplied through fees on local businesses, smaller counties face difficulties in generating sufficient revenue for services through the CUPA programs. This bill will expand eligibility to those counties, contingent on an appropriation. It is important that there is an appropriation from the General Fund such that the current allocation is not split amongst additional counties and results in less funding.

Related/Prior Legislation

AB 1459 (ESTM Committee, 2025) made various technical changes to the six unified hazardous waste and hazardous materials management regulatory programs that are overseen by the CUPAs. This bill is pending action in the Senate Appropriations Committee.

AB 1716 (ESTM Committee, Chapter 207, Statutes of 2023) made various technical changes to the six unified hazardous waste and hazardous materials management regulatory programs that are overseen by the CUPAs.

AB 2059 (Carrillo, Chapter 278, Statutes of 2022) required specified suppliers of hazardous materials to maintain, for at least one year, records of sales and provisions of hazardous materials of specified quantities to a business in the state, and provide such records to a CUPA within five days of a request.

AB 1429 (Chen, Chapter 66, Statutes of 2019) authorized a business that handles hazardous materials to submit their Business Plan to CERS once every three years, instead of annually, if that business is not required to submit Tier II chemical inventory information under the federal EPCRA of 1986.

AB 1500 (Carrillo, 2019) would have authorized a CUPA or a local health officer to temporarily suspend a facility permit, including the shutdown of a facility, if conditions at the facility pose an imminent or substantial endangerment to public health and safety. This bill was held on the suspense file in the Senate Appropriations Committee.

AB 1689 (ESTM Committee, Chapter 159, Statutes of 2017) added combustible metals and metal alloys to the list of materials a business must include in its hazardous materials business plan.

SOURCE: Rural County Representatives of California
California Conference of Directors of Environmental Health

SUPPORT:

California Association of Environmental Health Administrators (CAEHA)
California State Association of Counties (CSAC)
County Health Executives Association of California (CHEAC)
Health Officers Association of California
Rural County Representatives of California (RCRC)

OPPOSITION:

None received

-- END --