



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** DECEMBER 2, 2008

**ITEM NUMBER:**

**SUBJECT:** HAZARDOUS MATERIAL AREA PLAN GRANT

**DATE:** NOVEMBER 18, 2008

**FROM:** FIRE DEPARTMENT/ FIRE PREVENTION

**PRESENTATION BY:** GREGG STEWARD, DEPUTY CHIEF / FIRE MARSHAL

**FOR FURTHER INFORMATION CONTACT:** MICHELLE RUDAITIS, HAZ MAT SPECIALIST

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## **RECOMMENDED ACTION:**

- Approve the submittal for the OES Grant for \$24,000, with a \$6,000 match (totaling \$30,000), to develop a program to prepare a Hazardous Material Area Plan in accordance with the guidelines set forth by the California Health and Safety Code and California Code of Regulations.
- Approve Budget Adjustment No. 09-013 to increase grant fund revenue and for appropriation of the grant funds to the Fire Department's operating budget (Attachment 1).

## **BACKGROUND**

The California Health and Safety Code (25503) stipulates "an administering agency shall establish an area plan for emergency release or threatened release of a hazardous material within its jurisdiction". It further requires each agency to certify to OES every three years that they have conducted a review of their area plan and have made any necessary revisions. Costa Mesa's last major update was in 1999. Minor updates were done in 2002 and 2005. However, time and increased regulations have created the need for a complete update. The time, detail, and knowledge requirements to completely update Costa Mesa's area plan would require our part-time Haz Mat Specialist to make this the only project she could work on for at least a year, creating a situation where time management for her other duties would not be sufficient.

Fire Prevention staff and the city's Grant Administrator attended a meeting in Santa Ana in 2007 where we were advised we would likely receive a \$40,000 grant to have a complete Area Plan developed (portal development and map interface). We submitted for the grant. However, the spending needs of the grant changed and we were denied the grant. We were advised we would be highly considered for a grant in the future. A couple of weeks ago a representative from the State Office of Emergency Services (OES) recently contacted us and offered us a \$24,000 grant, requiring a \$6,000 match, for the Area Plan project this year. The paperwork to receive that grant has been submitted and approved by OES and we are now eligible to begin work on this project. The \$6,000 required match can be met by utilizing our Haz Mat Specialist working on

the project. This means our matching funds are met through her existing contract salary. The city will not incur any additional expenses.

We have confirmed that the \$24,000 will allow us to hire a firm to complete an Area Plan for Costa Mesa that meets the portal requirements. The map interface development, at the current cost of \$10,000, will need to be addressed at a later date. We have also learned the amount of time required to complete the portal portion of the Area Plan will take a firm between six to eight months to complete.

### **ANALYSIS:**

The information contained in our current Area Plan, while technically meeting the requirements, is outdated. Technology has changed tremendously since 1999. Our current method of updating information is done mostly by hand and entered in old outdated programs. The Scope of Work included in this grant includes:

- Obtain readily available high risk Business Emergency Plans (BEP) from CMFD for review and information retrieval for the assembly of hazardous material lists containing hazardous materials quantities, site locations, containment facilities/equipment, monitoring status, communication/contact information and other pertinent data essential for the Area Plan information base
- Obtain existing emergency protocol and contact information used in Incident Command System (ICS) organizational processes. Prepare an Area Plan specific for the jurisdictional boundaries of Costa Mesa in accordance with the guidelines set forth by the California Health and Safety Code and the California Code of Regulations
- Provide for CMFD with the CD-ROM media of a completed Area Plan after the Office of Emergency Services has given their approval

In addition to preparing the traditional hard copy Area Plan, this grant will also provide the first of the two primary parts of the electronic system HazMap. Part one, the part we will be able to obtain, is completing the “portal” with web based forms for submission, review and storage of BEPs. This will give Costa Mesa the ability to allow regulated businesses to login to the system and submit their BEPs to CMFD electronically, potentially eliminating the time we currently spend preparing, mailing, and receiving printed documents. At some point in the future we will work to obtain the second part of HazMap, “map interface”. Once this is completed our HazMap system will facilitate compliance with Assembly Bill No. 2286. *This bill mandates, by January 1, 2013, all facilities required to submit information currently reported on the hard copy Unified Program Consolidated Form (UPCF) pages (i.e., Hazardous Materials Business Plan forms, underground storage tank permit application forms, onsite hazardous waste treatment activity forms, etc.) will be required to submit that information using a state-wide Internet-based database. All Certified Unified Program Agencies (CUPAs) and Unified Program Participating Agencies (PAs) will be required to accept and manage the data electronically.*

### **ALTERNATIVES CONSIDERED:**

Do nothing and hope to receive a grant in the future, or pay full price at a later date to purchase both the “portal” and “map interface” requirements of AB 2286. There is the potential for being cited for not updating our Area Plan. No fines or penalties come with

this citation. However, should a significant Hazardous Materials event occur in Costa Mesa, and we cannot demonstrate a current Area Plan, there could potentially be some consequence to the city.

**FISCAL REVIEW:**

Receipt of \$24,000 grant funds will require a \$6,000 match and bind the City to the terms and conditions of the grant for use of \$30,000. The \$6,000 required match can be met by utilizing our Haz Mat Specialist working on the project. This means our matching funds are met through her existing contract salary. The city will not incur any additional expenses. Budget Adjustment number 09-013 is recommended for adoption to appropriate \$24,000 to the Fire Department's operating budget for the cost to hire a consultant to complete and Area Plan.

**LEGAL REVIEW:**

The City Attorneys' Office has reviewed the proposed grant agreement and has approved it as to form.

**CONCLUSION:**

Staff recommends the purchase of the program, while grant monies are available, to assist the city with meeting the requirements of the Area Plan, and the first of two requirements of AB 2286. The program purchased with this grant will streamline our current abilities to track and update Hazardous Materials in the city. With the economy being what it is today, there may not be another opportunity like this for some time. Also, should we deny the grant being offered to us now; it may hurt our chances of being accepted in the future, should grants become available.

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GREGG STEWARD  
Deputy Chief/Fire Marshal

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MIKE MORGAN  
Fire Chief

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MARC R. PUCKETT  
Director of Finance

DISTRIBUTION: City Manager  
Deputy City Clerk  
Director of Finance  
Grant Administrator

ATTACHMENT: 1 [BUDGET ADJUSTMENT NO. 09-013](#)