



SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

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Office of the Fire Marshal
Hazardous Materials Section
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Daniel R. Munsey
Fire Chief/Fire Warden

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EXHIBIT A

Annual Report Summarizing Settlement Agreements Executed by the San Bernardino County Fire Protection District, on Behalf of San Bernardino County as the Certified Unified Program Agency

Introduction

On December 31, 1996, the California Environmental Protection Agency (CalEPA) designated the San Bernardino County (County) as the Certified Unified Program Agency (CUPA). The San Bernardino County Fire Protection District (SBCFPD), Office of the Fire Marshal's Hazardous Materials Section has acted as the CUPA since the County applied for authorization in 1995. The purpose of the CUPA is to coordinate, consolidate, and make consistent the application of hazardous materials laws and regulations throughout the entire county.

Enforcement activities are an integral part of the CUPA's inspection program. There are various tools that may be utilized for enforcement purposes depending on the number and type of violations, history of non-compliance, and/or the potential impact on human health, safety, and/or the environment. The CUPA is authorized by Chapter 6.1 of Division 20 of the Health and Safety Code (HSC) to ensure compliance to protect the public health and safety. As authorized under HSC section 25404.1.1, the CUPA can issue Administrative Enforcement Orders (AEO) that impose penalties. AEOs are a formal means of enforcement of hazardous materials laws and regulations and are used primarily to address the failure of a business to disclose hazardous substance and waste inventory on premises and are an alternative to civil or criminal prosecution when a violator does not respond to a notice to comply. The goals of the AEO are to return a facility to compliance with hazardous materials laws and regulations in a timely manner and to deter future non-compliance. The CUPA may enter into settlement agreements associated with AEOs, wherein the CUPA and respondent reach an agreement regarding compliance with appropriate laws; payment of fees/costs due to SBCFPD on behalf of the CUPA; and payment of any penalties due to SBCFPD on behalf of the CUPA.

Background

On July 26, 2022 (Item No. 63) the Board of Supervisors and the Board of Directors (Boards) approved a Stipulation and Order Settlement Agreement template and a Consent Order Settlement Agreement template associated with Administrative Enforcement Orders (AEO) issued by SBCFPD, on behalf of the County, as the CUPA from July 26, 2022, through June 30,

BOARD OF DIRECTORS

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2027. The Board of Supervisors and the Board of Directors also authorized the County Fire Warden, the Deputy Fire Warden, the Fire Marshal, or the Deputy Fire Marshal to complete and approve Settlement Agreements with a penalty assessment of \$100,000 or less associated with AEOs and directed them to present an annual report summarizing all executed Settlement Agreements for receipt by the Board of Supervisors and Board of Directors.

Purpose

The purpose of this report is to provide the Board of Supervisors of San Bernardino County and the Board of Directors of the San Bernardino County Fire Protection District with an annual report summarizing all AEOs executed by the SBCFPD on behalf of the County as the CUPA. This report will summarize those AEOs settled at \$100,000 or less, that were executed during the fiscal year 2024-25.

Fiscal Year 2024-25 Annual Summary of Settlement Agreements

During the fiscal year 2024-25, the CUPA executed 6 settlement agreements totaling proceeds in the amount of \$107,402.50. The table below groups the settlements according to violation/case type.

Violation/Case Type	Cases Completed	Amount Received
California Electronic Reporting System (CERS)	2	\$1,000.00
California Accidental Release Prevention Program (CalARP)	2	\$88,338.00
California Electronic Reporting System (CERS) & Aboveground Petroleum Storage Act (APSA)	1	\$11,884.00
Multiple Programs	1	\$6,180.50
Total Settlement Agreements	6	\$107,402.50

Of the 6 Settlement Agreements, two addressed violations against CERS; two addressed violations against CalARP; one addressed CERS and APSA violations; and one addressed multiple program violations. The penalty assessments for each of the 6 Settlement Agreements was under \$100,000. The proceeds of these settlements were deposited in a designated hazardous materials fund and will be used solely to fund activities of the CUPA in enforcing hazardous materials laws and regulations.