

DATE SUBMITTED 8/28/2019
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 9/04/2019

COUNCIL ACTION (x)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION (x)
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS (36)

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: COUNTY OF IMPERIAL ADMINISTER UNDERGROUND STORAGE TANKS AND WATER WELL REGULATIONS

1. ADOPT RESOLUTION AUTHORIZING THE COUNTY OF IMPERIAL TO ADMINISTER AND ENFORCE ITS UNDERGROUND STORAGE TANK AND WATER WELL REGULATIONS WITHIN THE CITY OF IMPERIAL CITY LIMITS

DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

BACKGROUND/SUMMARY:

The County of Imperial has requested that the City grant it authority to regulate Underground Storage Tanks and Water Wells within the City limits in order to ensure that such activities comply with applicable health and safety standards and the underground regulations in the California Code of Regulations. These activities would be carried out to the extent that such regulation does not conflict with the regulatory responsibilities of the Certified Unified Program Agency (CUPA) while promoting early detection of release from Underground Storage Tanks and reduce the potential for contamination of ground water. Also, Determination of lead agency and other issues associated with the California Environmental Policy Act ("CEQA") shall be determined in accordance with CEQA guidelines.

The County of Imperial through enacted ordinance has granted authority to the County's Planning and Development Services Department to regulate Underground Storage Tanks and Water Wells in unincorporated areas of Imperial County. Since the late 1980's the County of Imperial has provided wraparound services to public and private entities. The County operates under a clear purpose and scope as defined under Title 9 Divisions 11 and 21 of the Land Use Ordinance for the County of Imperial. The County is able to provide a robust workforce that includes subject matter experts well versed in both Underground Tank Storage and Water Well enforcement activities. Thus, the County Planning & Development Services Department Director in conjunction with the Director of Environmental Health Services has served as the lead agency of matters related to Underground Storage Tanks & Water Wells.

The resolution is voluntary in nature; the City of Imperial is following the footsteps of other Cities in Imperial County in allowing the County to administer this program for the City. Approving and enforcement responsibilities as they relate to installation, alteration, repair, permitting, monitoring, and abatement of underground facilities would be included in the scope encompassed by the resolution. The City will not incur any fees or costs associated with County administration within the City and authorization may be revoked upon giving County not less than 30 days written notice. Additionally, any provisions of the Health and Safety Code, California Code of Regulation, or Land Use Ordinance for the County of Imperial as they relate to the public's health are included herein.

Title 9, Divisions 11 and 21 do provide for redress procedures in order to appeal any grievances associated with processes related to Underground Storage Tanks & Water Wells. In addition to an appeals process the Divisions do stipulate permits, fees, and standards related to Underground Substance Storage and Water Wells.

FISCAL IMPACT: NO FISCAL IMPACT

ADMIN SERVICES SIGN INITIALS (Signature)

STAFF RECOMMENDATION:

Staff recommends to adopt resolution Authorizing the County of Imperial to Administer and enforce its Underground Storage Tank and Water Well regulations within the City of Imperial Limits.

DEPT. INITIALS

OM

MANAGER'S RECOMMENDATION:

CITY
MANAGER'S
INITIALS

[Signature]

MOTION:

SECONDED:
AYES:
NAYES:
ABSENT:

APPROVED ()
DISAPPROVED ()

REJECTED ()
DEFERRED ()

REFERRED TO:

RESOLUTION NO. 2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
AUTHORIZING THE COUNTY OF IMPERIAL TO ADMINISTER AND
ENFORCE ITS UNDERGROUND STORAGE TANK AND WATER WELL
REGULATIONS WITHIN THE CITY OF IMPERIAL CITY LIMITS

WHEREAS, the County of Imperial (“County”) has enacted Divisions 11 and 21 of Title 9 of its Codified Ordinances, which regulate Underground Storage Tanks and Water Wells, respectively; and

WHEREAS, Division 11 of Title 9 of the County’s Codified Ordinances explicitly grants authority to the County’s Planning and Development Services Department to regulate Underground Storage Tanks in both the unincorporated and incorporated areas of the County; and

WHEREAS, the City of Imperial (“City”) does not currently regulate Underground Storage Tanks or Water Wells that are located within the City’s limits; and

WHEREAS, the County has requested that the City grant it authority to regulate Underground Storage Tanks and Water Wells within the City’s limits in order to ensure that such activities comply with applicable health and safety standards, to the extent that such regulation does not conflict with the regulatory responsibilities of the Certified Unified Program Agency (“CUPA”), or any other State or federal public agency with jurisdiction over Underground Storage Tanks and Water Wells; and

WHEREAS, the City recognizes that the County possesses the resources and expertise to regulate Underground Storage Tanks and Water Wells located within the City’s limits, and is the most qualified local public agency to undertake these tasks.

WHEREAS, the City will not incur any fees or costs associated with County administration of Underground Storage tanks and Water Wells within the City.

WHEREAS, determination of lead agency and other issues associated with the California Environmental Policy Act (“CEQA”) shall be determined in accordance with CEQA guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

1. The above recitals are true, correct, and adopted.
2. The County of Imperial is authorized to regulate Underground Storage Tanks and Water Wells within the City’s limits, in conformance with Division 11 and

21 of the County's Codified Ordinances, to the extent that such regulation does not conflict with the regulatory responsibilities of CUPA, or any other State or federal public agency with jurisdiction over Underground Storage Tanks and Water Wells, and in adherence to applicable State and federal laws, regulations, rules, policies, and procedures.

3. City authorization as set forth herein may be revoked upon giving County not less than 30 days written notice.

APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Imperial, California held on this 4th of September 2019.

Robert Amparano, Mayor

ATTEST:

Debra Jackson, City Clerk