



City of Sebastopol

**CITY OF SEBASTOPOL CITY COUNCIL
AGENDA ITEM REPORT FOR MEETING OF: February 17, 2026**

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To: Honorable City Councilmembers
From: Gold Ridge Fire Department
Responsible Department: City Attorney Alex Mog
 Interim City Manager Mary Gourley
Subject: Consideration of Termination of the Healdsburg CUPA Joint Powers Agreement
 and Transition of CUPA Authority to Sonoma County Permit Sonoma- Fire
 Prevention Division.

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RECOMMENDATION:

That the City Council:

1. Authorize the City Manager to submit a formal relinquishment request to the California Environmental Protection Agency (CalEPA) pursuant to Health and Safety Code §25404.3(f), requesting reassignment of CUPA authority to Sonoma County Permit Sonoma- Fire Prevention Division; and
2. Authorize the City Manager to work with Gold Ridge to execute and submit all required notices, correspondence, and transition documents necessary to effectuate the transfer.

If approved by CalEPA, Gold Ridge and City staff will return with remaining action items as listed later in the report.

PROCESS OF AGENDA ITEM:

1. If item remains on consent, no presentation of item is required. Item would be approved as a consent calendar item.
2. If item is removed from the consent calendar; item would be placed at the end of the regular agenda items or as otherwise determined by the Mayor for discussion following the process below:
 - a. Presentation of agenda item by the Requestor or Responsible Department
 - b. Questions and discussion from Councilmembers
 - c. Public comment period
 - d. Council deliberation and motion

EXECUTIVE SUMMARY:

The City of Sebastopol currently receives Certified Unified Program Agency (CUPA) services through a Joint Powers Agreement (JPA) with the City of Healdsburg. The City does not intend to pursue certification as its own CUPA. Gold Ridge has requested, and staff supports Sebastopol's transition of CUPA oversight to the Sonoma County Permit Sonoma- Fire Prevention Division, which already serves as the CUPA for most jurisdictions within Sonoma County.



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This action would initiate the required legal and administrative actions to request CalEPA approval for reassignment of CUPA responsibility to Sonoma County Permit Sonoma- Fire Prevention Division. Healdsburg CUPA would continue providing services during the transition period to ensure uninterrupted regulatory oversight.

BACKGROUND:

California's Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) consolidates six environmental and emergency response programs under local Certified Unified Program Agencies (CUPAs). Administered by CalEPA and enforced locally, it streamlines permitting, inspections, and enforcement for businesses handling hazardous materials.

The Unified Program consolidates six areas: Hazardous Materials Business Plan (HMBP), California Accidental Release Prevention (CalARP), Underground Storage Tanks (UST), Aboveground Petroleum Storage Act (APSA), Hazardous Waste Generators and Treatment.

Sebastopol currently contracts with the City of Healdsburg through a JPA for CUPA services (attached). After review, staff has determined that transitioning CUPA authority to Sonoma County Permit Sonoma- Fire Prevention Division is a viable long-term alternative that aligns Sebastopol with countywide regulatory administration.

DISCUSSION:

Transition Process

Because City staff does not recommend that Sebastopol certify as its own CUPA, the following first step is required: CalEPA Review and Approval: CalEPA will review the transition plan to ensure there is no regulatory gap. Upon approval, CalEPA will issue written confirmation designating Sonoma County Permit Sonoma- Fire Prevention Division as the CUPA for Sebastopol. The notice must state Sebastopol's intent to relinquish CUPA authority and transfer jurisdiction to Sonoma County.

Once CalEPA approves the request, Gold Ridge and City Staff will return with additional actions listed below:

1. Termination of the Healdsburg JPA: Sebastopol must provide 180 days' written notice of termination to:

- City of Healdsburg
- CalEPA
- Sonoma County Permit Sonoma- Fire Prevention Division

2. Formal Relinquishment of CUPA Authority: The City must submit a formal relinquishment letter to CalEPA pursuant to Health and Safety Code §25404.3(f), requesting reassignment of CUPA authority to Sonoma County Permit Sonoma- Fire Prevention Division.

3. Program and Records Transition: Healdsburg CUPA will coordinate with Sonoma County Permit Sonoma- Fire Prevention Division to transfer all relevant materials, including:

- Regulated facility files and permits
- Inspection and enforcement records



City of Sebastopol

- Billing and surcharge information
- Open cases and ongoing compliance actions

4. Business Notification: Regulated businesses within Sebastopol will be notified of the change in CUPA authority. Sonoma County Permit Sonoma- Fire Prevention Division will assume responsibility for all future permitting, inspections, and enforcement.

STAFF (CITY ATTORNEY) ANALYSIS:

Very few cities in California administer their own CUPA, and most rely on regional entities like Sonoma County Permit Sonoma- Fire Prevention Division. It is not clear why the City originally contracted with Healdsburg rather than the Sonoma County to provide CUPA services in Sebastopol, given the distance between the two cities. Transferring CUPA responsibilities will provide administrative benefits. Among other reasons, Sonoma County Permit Sonoma- Fire Prevention Division is the CUPA for the areas served by Gold Ridge. Dividing the termination and transition into two distinct steps ensures there are no disruptions in the CUPA activities.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

FISCAL IMPACT: There is no immediate fiscal impact associated with authorizing the transition process. Future costs and fee structures will be subject to Sonoma County Permit Sonoma- Fire Prevention Division's adopted CUPA fee schedule.

RESTATED RECOMMENDATION: That the City Council:

1. Authorize the City Manager to submit a formal relinquishment request to the California Environmental Protection Agency (CalEPA) pursuant to Health and Safety Code §25404.3(f), requesting reassignment of CUPA authority to Sonoma County Permit Sonoma- Fire Prevention Division; and
2. Authorize the City Manager to work with Gold Ridge to execute and submit all required notices, correspondence, and transition documents necessary to effectuate the transfer.

If approved by CalEPA, Gold Ridge and City staff will return with remaining action items as listed later in the report.

OPTIONS:



City of Sebastopol

1. Continue CUPA services under the existing Healdsburg JPA; or
2. Direct staff to explore certification of Sebastopol as its own CUPA (not recommended due to staffing, cost, and regulatory complexity).

ATTACHMENT(S):

1. Current JPA
2. Presentation Slides
3. Formal Relinquishment Letter to CalEPA requesting reassignment of CUPA Authority

APPROVALS:

Department Head Approval:	Approval Date: 2-4-2026
CEQA Determination (Planning):	Approval Date: 2-4-2026
The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA)	
Administrative Services/Financial Approval:	Approval Date: 2-5-2026
Costs authorized in City Approved Budget:	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
Account Code (f applicable) _____	
City Attorney Approval:	Approval Date: 2-5-2026
City Manager Approval:	Approval Date: 2-5-2026

APPENDIX 22
EXHIBIT "A"

AGREEMENT FOR CERTIFIED UNIFIED PROGRAM
AGENCY SERVICES

DATE:

PARTIES: CITY OF HEALDSBURG, a municipal corporation
CITY OF SEBASTOPOL, a municipal corporation

RECITALS:

A. The Cities of Healdsburg and Sebastopol have each through adopting ordinances, designated their respective fire departments to be administering agencies of the California Health and Safety Code Chapters 6.7 (Underground Storage Tank Regulations) and 6.95 (Hazardous Materials Business Plans & Risk Management and Prevention Programs).

B. The City of Healdsburg has previously entered into an agreement with the City of Sebastopol for the purpose of providing Underground Storage Tank Inspection Services in a beneficial and cost effective manner to the City.

C. The Cities of Healdsburg and Sebastopol recognize that Title-26, section 15100 requires existing administering agencies to: seek certification as a Certified Unified Program Agency (CUPA), become a Participating Agency (PA) under a CUPA, forfeit all CUPA program elements to the county or enter into a Joint Powers Agreement with another agency certified as a CUPA.

D. The City of Sebastopol has a long established history of working with its business community and wishes to continue this relationship by involving itself in the CUPA program oversight. However, the City recognizes it is unable to meet the staff adequacy and technical expertise requirement specified in sections 15150(e) and 15270 of CCR Title-26.

E. The City of Sebastopol feels the welfare of the community would best be served by expanding its existing contractual arrangement with the City of Healdsburg to allow that agency to perform all CUPA program responsibilities with the City including, but not limited to; administration, inspection, enforcement, permitting, billing and the collecting of fees and delinquent payments.

F. The City of Healdsburg has determined that consolidation of Sebastopol's CUPA program elements into Healdsburg's Unified Program will be beneficial to the City of Healdsburg.

AGREEMENT:

In consideration of the above recitals and the mutual obligations contained in this agreement, the Cities of Healdsburg and Sebastopol mutually agree as follows:

SECTION 1. **DEFINITIONS:** Unless the particular provisions or content otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this agreement.

- a) "CUPA" shall mean Certified Unified Program Agency as defined in Title-26 CCR 15110(a)2.
- b) "Program Elements" is a program covered under the auspices of a CUPA and as defined in Health and Safety Code section 25404(c).

SECTION 2. **EFFECTIVE DATE:** This agreement shall not become operative unless and until the City of Healdsburg receives a letter of certification from the state indicating that it has been certified as a CUPA.

SECTION 3. FURNISHING OF CERTIFIED UNIFIED PROGRAM AGENCY

SERVICES: The City of Healdsburg will provide to the City of Sebastopol all services required of a CUPA as defined in CCR Title-26 within the City pursuant to the following provisions:

- a) The City of Healdsburg shall determine the level of fees it will charge for each program element or service within the City of Sebastopol. Unless otherwise specified by written agreement between the two parties, fees for specific programs under the CUPA shall be identical for both Cities.
- b) The City of Healdsburg shall collect all fees associated with the CUPA including State Surcharges, late fees and penalties.
- c) The City of Healdsburg shall be responsible for all permitting activities required under the CUPA program.
- d) All inspection activities mandated by the regulations and conducted in the City of Sebastopol, shall be performed by the City of Healdsburg.
- e) Any enforcement actions deemed necessary as a result of noncompliance by businesses within the City of Sebastopol shall be performed by the City of Healdsburg and its legal counsel.
- f) Prior to initiating any enforcement activity against any business in the City of Sebastopol, the two parties shall confer to determine the most appropriate course of enforcement action.

SECTION 4. EXTENT OF AGREEMENT: This agreement represents the entire and integrated agreement between the parties and shall supersede all prior agreements related to the provisions of hazardous materials and code enforcement services including the specified cost charged to the City of Sebastopol for those services.

SECTION 5. INDEMNIFICATION: The City of Sebastopol hereby agrees to defend, indemnify, save and hold harmless the City of Healdsburg and its elected and appointed representatives, officers, agents and employees harmless from any claims, costs and liabilities of third party(ies), including attorneys' fees and witness' costs that may be asserted by any person or entity, including the City of Sebastopol, which arise directly or indirectly from the services provided by the City of Healdsburg to the City of Sebastopol under this agreement except as to any claims, costs and liabilities which arise out of the sole negligence of the City of Healdsburg.

SECTION 6. AGENCY: It is the intent of parties hereto, and part of the consideration supporting this Agreement, that each party shall bear all obligations for its own personnel (including, but not limited to salary, pension relief, disability, worker's compensation, and other benefits).

SECTION 7. TERMINATION OF AGREEMENT: This Agreement may be terminated by either party upon 180 days prior written notice to the other party, the California Environmental Protection Agency and the County of Sonoma. Except as otherwise provided in this section, no provision of this Agreement, or the rights and obligations of the parties thereto, shall be terminated, modified, or canceled without the prior written consent of the parties.

SECTION 8. ADMINISTRATION OF AGREEMENT: This agreement shall be administered through the mutual agreement of the parties acting by and through their respective Fire Chiefs and the CUPA Program Manager.

IN WITNESS WHEREOF, the parties have entered into this agreement in Healdsburg, California

CITY OF HEALDSBURG, a
municipal corporation.

By 
Title Mayor

CITY OF SEBASTOPOL, a
municipal corporation.

By Ken Foley
Title Mayor

Sebastopol CUPA Program: Ensuring Environmental and Public Safety

Transitioning CUPA Authority from Healdsburg Fire Department to
Permit Sonoma Fire Prevention Division



Presentation Objectives

What is the “CUPA Program”

History of the Local CUPA Program

CUPA Program Oversight

Transition’s Effect on Facilities

Benefits of the Transition





What is the “CUPA Program”

C – Certified

U – Unified

P – Program

A – Agency

Six hazardous materials regulatory programs with one inspector

Created to decrease the regulatory burden on businesses

Inspections are kept at the local level instead of the State level

The CUPA Program is regulated under the Health & Safety Code

History of the Local CUPA Program



In 1993, the Governor signed California Senate Bill 1082, establishing the Unified Program.



The law enabled the consolidation and coordination of the administration, permit, inspection, and enforcement activities of the six environmental regulatory programs.



The Fire Chiefs from City of Sebastopol and City of Healdsburg applied to become a CUPA and receive delegated authority from State agencies to enforce a variety of laws in their jurisdictions.



The Fire Marshal from Healdsburg was tasked with conducting inspections for both cities to ensure they were business-friendly while educating the business community on the new regulations.

CUPA Program Oversight



Hazardous Materials Business Plan

- Inventory
- Emergency Response
- Employee Training
- CAL EPA
- Fifty-Seven Permitted Facilities

Hazardous Waste

- EPA ID
- Manifests
- Employee Training
- Department of Toxic Substances Control (DTSC)
- Thirty Permitted Facilities

Underground Storage Tanks (UST)

- Installs/Closures
- Annual Monitoring
- Upgrades
- Water Boards
- Four Permitted Facilities

Aboveground Storage Tanks (APSA)

- Above Ground Petroleum Storage Act
- Office of State Fire Marshal
- Five Permitted Facilities

Tiered Permitting

- Treatment of Hazardous Wastes
- Department of Toxic Substances Control (DTSC)
- Zero Permitted Facilities

Extremely Hazardous Materials (CAL ARP)

- CAL OES
- Risk Management Plan
- Zero Permitted Businesses

Transition's Effect on the Facilities



Sonoma County Fire Prevention will issue billing and Permits



Inspectors will have a different department logo

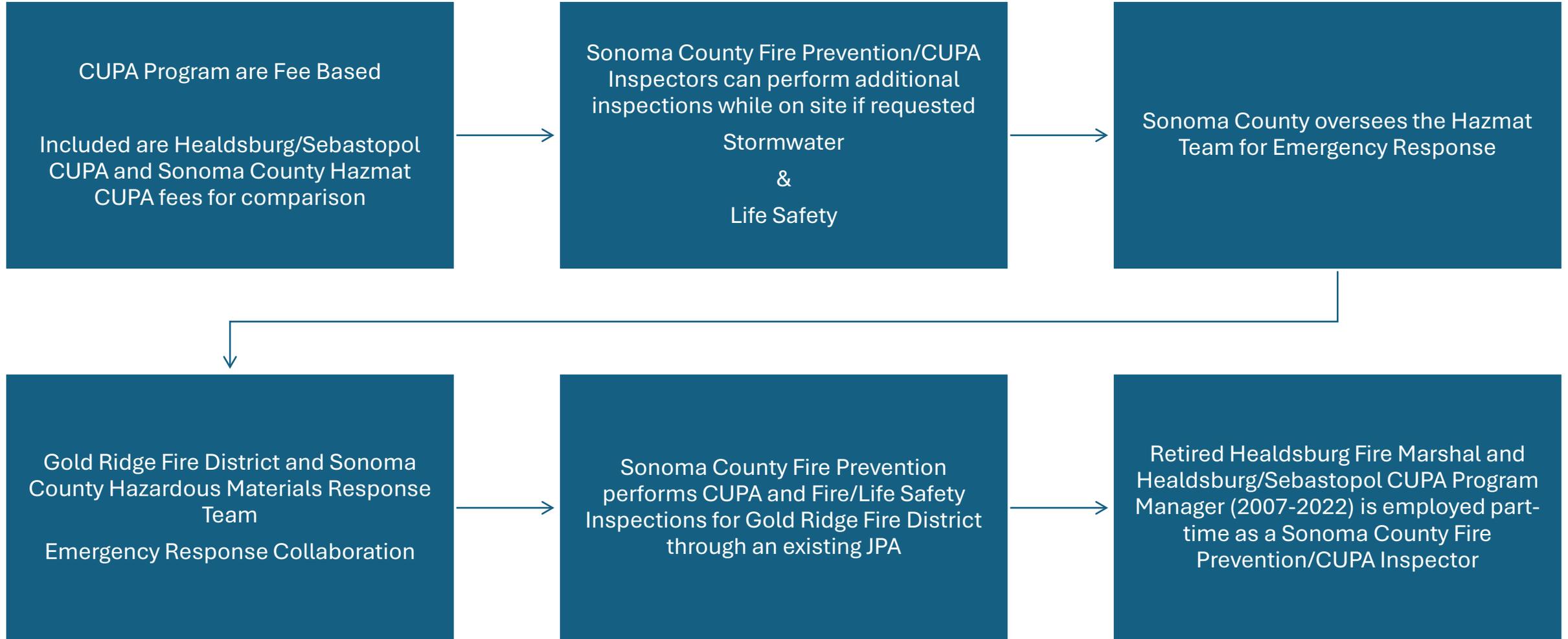


Reporting requirements will be the same, except they will report to Sonoma County Fire Prevention and Hazmat in CERS instead of Healdsburg/Sebastopol CUPA



Billing due dates may change

Benefits of the Transition





Questions?



February 17, 2026

To:

California Environmental Protection Agency (CalEPA)

P.O. Box 2815

Sacramento, CA 95812

Subject: Formal Relinquishment of CUPA Authority – Request for Assignment to Sonoma County PRMD CUPA

Dear CalEPA Representatives,

Pursuant to Health and Safety Code §25404.3(f), the City of Sebastopol formally requests the relinquishment of its Certified Unified Program Agency (CUPA) authority, currently administered through the Joint Powers Agreement with the City of Healdsburg, and the assignment of CUPA jurisdiction to Sonoma County Permit and Resource Management Department (PRMD) CUPA.

Sebastopol will coordinate with the Healdsburg Fire Department and Sonoma County PRMD CUPA to ensure the seamless transfer of all regulated facility files, permits, inspection and enforcement records, billing status, and open compliance cases. All CUPA program elements, including oversight of underground storage tanks (USTs), hazardous materials business plans (HMBPs), and risk management plans (RMPs), will be maintained in accordance with state standards throughout the transition.

We respectfully request CalEPA's review and approval of this transition plan and written confirmation of Sonoma County PRMD CUPA's assignment as the new CUPA for Sebastopol, effective upon completion of the required 180-day notice period.

If you require any additional information or documentation to facilitate this transition, please contact my office directly.

Sincerely,

Mary Gourley

Interim City Manager

City of Sebastopol