

407



**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: Community Health Agency/Environmental Health

SUBMITTAL DATE:

SUBJECT: Amending Ordinance No. 712, "Collection, Transportation and Removal of Liquid Waste and Animal By Products".

RECOMMENDED MOTION:

1. That the Board introduce and set for Public Hearing the adoption of Ordinance No. 712.1 amending Ordinance No. 712 which regulates the collection, transportation, and removal of liquid wastes and animal by products;
2. That the Board authorize the Clerk to place an advertisement for the Public Hearing in the appropriate local publications;
3. That, upon the close of the Public Hearing, the Board adopts Ordinance 712.1.

BACKGROUND: This amendment to Ordinance No. 712, will add language referencing Riverside County Ordinance No. 725, which establishes procedures and penalties for violations of Riverside County Ordinances and provides for recovery of costs reasonably related to enforcement. Specifically, the changes to this ordinance can be found in Section 15, fourth paragraph – concerning violations, remedies, and penalties related to the Administrative citation process outlined in Ordinance No. 725.

GR:SVS:gf

Gary Root

Gary Root
Director, Department of Environmental Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:
	Annual Net County Cost:	\$ 0	For Fiscal Year:

SOURCE OF FUNDS:	No Funding Necessary	Positions To Be Deleted Per A-30	<input type="checkbox"/>
		Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVAL

County Executive Office Signature *Debra Courmayer*

FORM APPROVED
COUNTY COUNSEL

APR 16 2007
BY *[Signature]*
Departmental Concurrence

Dept't Recomm.:
 Per Exec. Ofc.:
 Consent
 Policy

Prev. Agn. Ref.: | **District:** | **Agenda Number:**

3.14

1 **F. "Disposal Site"** shall mean a liquid waste facility including, but not limited
2 to, evaporation ponds at sanitary landfills, sewage treatment facilities and
3 reclamation facilities that are licensed, permitted or approved by all
4 governmental bodies and agencies having jurisdiction.
5

6 **G. "Employer"** shall mean any person operating a business at which 10 or
7 more persons work in locations for more than 4 consecutive hours in any one
8 day. This includes, but is not limited to, manufacturers and construction
9 contractors.
10

11 **H. "Grease Trap/Interceptor"** shall mean a clarifier or other device used to
12 retain grease from normal wastes and permit normal sewage or liquid wastes to
13 discharge into the disposal terminal. Waste removed from clarifiers used for
14 any other purpose shall be considered Industrial waste.
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16

17 **I. "Handling"** shall mean the transporting, transferring, pumping, processing,
18 storing, or packaging of waste referred to in this Ordinance.
19

20 **J. "Health Officer"** shall mean the Health Officer of the County of Riverside
21 or his designated representative.
22

23 **K. "Hazardous Material"** shall mean a substance or combination of substances
24 which, because of its quantity, concentration, or physical, chemical or infectious
25 characteristics may either:
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27
28

1 1. Cause or significantly contribute to an increase in mortality or an
2 increase in serious irreversible, or incapacitating reversible, illness; or
3

4 2. Pose a substantial present or potential hazard to human health or
5 environment when improperly treated, stored, transported or disposed of
6 or otherwise managed.
7

8 **L. "Industrial Liquid Waste"** shall mean any and all liquid or water borne
9 waste from industrial or commercial processes, except septic waste (domestic
10 sewage).
11

12 **M. "Intermediary Storage Tank"** shall mean a stationary tank used for the
13 temporary storage of non-hazardous liquid waste which will be transported off
14 site to a disposal site for subsequent treatment or disposal.
15

16 **N. "Liquid Waste"** shall mean all non-hazardous wastes that are neither solid
17 nor gaseous.
18

19 **O. "Liquid Waste Vehicle"** shall mean any conveyance or portable
20 equipment used in the collection and/or transfer of residential or commercial
21 non-hazardous liquid waste. It shall also mean any vehicle which is used to
22 transport sewage sludge and vehicles used to collect or transport animal by-
23 products. When used in conjunction with a tractor/trailer mounted collection
24 unit, vehicle shall refer to the trailer.
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1 **P. "Maintenance Facility"** shall mean the yard or location wherein those
2 companies with portable toilets and/or three or more vehicles, clean, repair and
3 store vehicles or toilets when not in use, or where an "Intermediary Storage
4 Tank" is located.
5

6 **Q. "Portable Toilet"** shall mean a self-contained, flush or non-flush toilet
7 wherein the waste is deposited directly into a reservoir which may contain a
8 solution of water incorporating an approved deodorizer or other additive for
9 odor control. The units may be mounted on mobile trailers, skids, or otherwise
10 readily movable structures. These facilities are also known as "chemical toilets".
11

12 **R. "Person"** shall mean any person, firm, business, sole proprietorship,
13 partnership, joint venture, trust, association, or corporation whether for profit or
14 nonprofit.
15

16 **S. "Promoter"** shall mean any person which assumes the financial and/or
17 legal responsibility for an exhibition, special event or other activity at which the
18 general public may gather. These activities include both "free" events and events
19 for which an entry fee is assessed.
20

21 **T. "Septic Waste"** shall mean the liquid and water borne wastes derived from
22 the ordinary living processes, free from industrial wastes, and of such character
23 as to permit satisfactory disposal, without special treatment, into the public
24 sewer or by means of a private sewage disposal system. This is also known as
25 domestic sewage.
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1 **U. "Sewage" or "Sewage Effluent"** shall mean any and all waste substances,
2 liquid or solid, associated with human habitation, or which contains or may be
3 contaminated with human or animal excrement, offal, or any feculent matter.
4

5 **V. "Sludge"** shall mean the non-hazardous solids, semi-solids or liquids
6 generated by the processing of liquid waste by a community or municipal
7 sewage treatment plant.
8

9 **W. "Toilet Facility"** shall mean a fixture maintained within a toilet room for
10 the purpose of defecation, urination, or both.
11

12 **X. "Toilet Room"** shall mean an enclosure containing one or more toilet
13 facilities.
14

15
16 **Section 2. PROHIBITIONS:**

17 **A.** No person shall engage in the business of providing or cleaning portable
18 toilets or the cleaning of septic tanks, cesspools, sewage seepage pits or grease
19 traps, or engage in the transportation of wastes collected by such cleaning, or
20 handle the wastes from any animal by-products, or other non-hazardous liquid
21 waste within the County of Riverside in violation of this Ordinance.
22

23 **B.** No person shall provide or use an Intermediary Storage Tank in conjunction
24 with a liquid waste handling business regulated by this Ordinance without prior
25 written approval from the Health Officer.
26
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28

1 C. No person shall operate a Liquid Waste Vehicle, furnish or provide a
2 portable toilet or toilets, handle the wastes from animal by-products, clean septic
3 tanks, etc., or maintain or operate maintenance facilities without holding a
4 current unrevoked and unsuspended permit issued by the Health Officer.
5 Persons or vehicles regulated through other Ordinances or programs enforced by
6 the Department may be exempted from the permitting requirements of this
7 Ordinance upon written statement issued by the Health Officer.
8

9
10 D. Employers and promoters shall provide or cause to be provided toilet
11 facilities meeting the specifications as established by resolution adopted by the
12 Board of Supervisors.
13

14 E. All wastes or other material collected under the authority of this Ordinance
15 shall be transported to a disposal site approved by the Health Officer for that
16 type of waste. The express, written permission of the operator of the disposal
17 site shall be secured by the permittee prior to disposal at the site or into any
18 system which is connected to the site.
19
20

21 F. The standards established for the acceptance of waste by the operator of the
22 disposal sites shall be observed at all times by permittees.
23

24 **Section 3.** **SPECIFICATIONS:** The Health Officer is hereby authorized to issue permits
25 authorizing the holder thereof to perform the following services in accordance
26 with the requirements of this Ordinance:
27
28

1 **A. Type of Service Provided:** The permit issued will allow the permittee to
2 provide collection service(s) for removal and transportation of all wastes as
3 defined in this section. The permittee shall take all steps necessary to assure that
4 such handling is completed in a safe, sanitary and efficient manner.
5

6 **1. SEPTIC WASTE**
7

8 **a.** The permittee is authorized to collect and transport all
9 residential and commercial septic wastes as defined.
10

11 **b.** The permittee is authorized to collect, transport and dispose
12 of industrial waste as defined upon verification that said waste is
13 free of any products or contaminants which could result in a
14 classification as hazardous waste.
15

16 **c.** The permittee shall be required to conduct testing of all waste
17 to include at least a pH analysis of each load accepted. Waste
18 with a pH less than or equal to 2, or greater than or equal to 12.5
19 is considered a hazardous waste and shall not be handled by
20 permittees unless a valid permit for hazardous materials
21 collection has been secured from the California State Department
22 of Health Services.
23

24 **d.** Each residential septic tank pumping customer shall be
25 informed, in writing of:
26
27
28

1 c. The employer and/or promoter of businesses, construction
2 and demolition sites and public events where permanent toilet
3 facilities of sufficient number are not available shall provide
4 these sites/events with portable toilets in the numbers specified
5 by Resolution of the Board of Supervisors.
6

7
8 d. Portable toilets are to be cleaned and sanitized by the
9 permittee at least once a week. A permanent maintenance record
10 for each unit, listing the dates the unit has been serviced and the
11 deodorizer used, is to be maintained on the inside wall of the
12 portable toilet for confirmation by the Health Officer.
13

14 e. Deodorizing/sanitizing additives, used in the waste container
15 shall be in accordance with applicable federal, state and local
16 provisions.
17

18
19 f. Portable toilets shall be thoroughly cleaned and sanitized
20 before being moved to a different location. If repairs are needed,
21 the portable toilets shall be taken to the company's maintenance
22 facility and repaired to meet the standards set by resolution of the
23 Board of Supervisors.
24

25
26 **3. ANIMAL BY-PRODUCTS (FAT/GREASE)**

27 a. The permittee shall take all steps as may be reasonable and
28 necessary in order to assure that the collection of all fats, animal

1 by-products or grease collected for the purpose of reclamation,
2 reuse or disposal is handled in a manner which will minimize
3 spillage, public hazard or nuisance.
4

5 **b.** All contents from grease traps/interceptors or liquid animal
6 by-products (such as egg shell waste) shall be collected with an
7 approved vehicle and discharged to either:
8

9
10 1. A disposal site specifically approved for grease trap
11 wastes, or

12
13 2. A facility which processes the waste for reclamation
14 or subsequent discharge.
15

16 **c.** Where liquid animal by-products or grease is stored by the
17 generator in leakproof approved containers, the storage container
18 itself may be transported on or in an approved vehicle to the
19 processing facility.
20

21 **d.** Solid animal by-products such as bones, fat or meat are to be
22 transported on or in an approved vehicle to a processing facility.
23 Collection and transportation of solid animal by-products to a
24 disposal site by any person other than the generator constitutes
25 Solid Waste Collection as regulated under separate County
26 Ordinance and therefore is prohibited under the terms of this
27 Ordinance.
28

1 2. Any discharge or spillage at a location other than an approved
2 disposal site or processing facility shall be cleaned and appropriately
3 disinfected prior to the vehicle driver's departure from the site. Such
4 discharge or spillage shall be reported by the permittee to the Health
5 Officer within 24 hours of the incident.
6

7
8 3. Any container, vessel, tank or vehicle used to store, collect or
9 consolidate waste collected by the permittee prior to discharge or
10 delivery shall be approved by the Health Officer and is subject to
11 approvals or permits by other agencies with jurisdiction.
12

13 **C. REPORTS.** Every permittee shall provide one or more reports as required
14 by the Health Officer within 10 calendar days of the end of each calendar month
15 on forms supplied by the Department.
16

17
18 1. Permittees handling septic or grease trap waste. The report shall be
19 written in a clear and legible manner and shall list all septic tanks,
20 cesspools, grease traps, sewage seepage pits or any other non-hazardous
21 waste containers pumped or cleaned by the permittee during the month.
22 The report shall list the date, address of the property, the name of the
23 owner or tenant, gallonage pumped from the site, the disposal site, and
24 total gallonage disposed for that month.
25

26
27 2. Permittees servicing portable toilets shall report the number of toilets
28 serviced, the volume removed and the disposal site(s).

1 3. Permittees handling animal by-products shall report the volume or
2 weight of the materials collected during the month and the processing
3 site(s) to which the animals' by-products were delivered.
4

5 4. Permittees handling sewage sludge shall report the source, volume
6 and disposal site for each load transported in the County.
7

8 **D. FACILITIES AND EQUIPMENT.**
9

10 1. The permittee shall maintain its maintenance facilities in a clean and
11 safe condition. The permittee shall, upon request, provide a clearance
12 from the appropriate planning agency, Regional Water Quality Control
13 Board or other appropriate public or private agencies approving the site
14 for all uses intended.
15

16 2. Maintenance facilities at which vehicles or portable toilets are
17 washed shall be provided with adequate drainage to an approved sewer
18 or subsurface disposal system. The entire lot shall be adequately sloped
19 for drainage control. All hose bibs and other water outlets shall be
20 protected by an approved backflow prevention device.
21

22 3. Vehicles used shall meet the following specifications:
23

24 a. All vehicles used for the collection of waste in a liquid form
25 shall be equipped with a reliable tank content level indicator,
26
27
28

1 shall be water tight, and have water tight covers on the manholes
2 and fittings.

3
4 **b.** Vehicles which are used exclusively to service portable
5 toilets may be exempted from the requirement of a tank content
6 level indicator, at the discretion of the Health Officer.

7
8 **c.** The name (or DBA) and address or phone number of the
9 person to whom the permit is issued shall be printed on both sides
10 of the vehicle. The letters shall be a minimum of three inches (3")
11 in height and fully visible and legible at all times. The liquid
12 waste tank capacity shall be approved and certified by any
13 County Department of Weights and Measures or similar agency
14 and clearly indicated on both sides of the vehicle in contrasting
15 letters no smaller than one inch (1").

16
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18 **d.** All discharge valves or gates shall be operated from the
19 valves or gates themselves and not by controls within the cab of
20 the truck. Contents shall be discharged through a closed line
21 without spilling or splashing and all valves shall shut tightly
22 without difficulty. The discharge line shall be equipped with a
23 leak proof cap which shall be fitted over the outlet pipe at all
24 times, except when the contents of the tank are being discharged.
25 This cap shall be securely attached to the vehicle by a chain or
26 similar device as approved by the Health Officer.
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e. All pumps shall be leak proof and all lines used for pumping or cleaning of waste disposal systems shall be furnished by the permittee.

f. All vehicles shall be kept clean of splashings and waste accumulation. All vehicles shall be kept in good repair, and not leaking oil or other fluids onto the surface of the ground.

g. All water used in cleaning lines and equipment shall be discharged into an approved sewage disposal system or disposal site.

h. Each vehicle shall carry a minimum of five (5) gallons of fresh water on the vehicle.

i. Each vehicle shall carry a garden hose of at least twenty five (25) feet in length and one (1) gallon of disinfectant for cleaning spillage.

k. Vehicles used for transporting wastes not in a liquid state shall be designed, constructed and maintained to eliminate the potential for spillage. Such vehicles are subject to any of the above requirements which are appropriate for the waste being transported.

1 I. Vehicles are to meet all standards established by other
2 government agencies including, but not limited to:

- 3
- 4 1) Vehicular emissions,
 - 5
 - 6 2) Safety equipment or OSHA standards,
 - 7
 - 8 3) Noise levels,
 - 9
 - 10 4) Applicable Highway Patrol inspections.

11 E. **PERSONNEL.** Permittee shall be responsible to see that his personnel
12 involved in the handling of waste collected under the authority granted by the
13 permit are adequately trained and experienced in liquid waste collection,
14 sanitation responsibilities and use of acceptable public relations skills.
15

16

17 F. **HANDLING OF COMPLAINTS.** Permittee shall be equipped to directly
18 receive and promptly process all customer complaints associated with the
19 service provided. The Health Officer shall provide general assistance to
20 permittees' customers who complain to the Department and shall refer such
21 customers to the permittee for more specific problem resolution. The permittee
22 shall give prompt, courteous attention to all complaints and resolve them to the
23 satisfaction of the Health Officer.
24

25

26 G. **CHANGE OF ADDRESS.** The permittee shall report any change of
27 ownership, DBA or address of the place of residence or business of any person
28

1 permitted under this Ordinance reported in writing to the Health Officer by
2 registered mail within 10 days after said change.
3

4 **Section 4. HAZARDOUS WASTE:**

5
6 **A.** A permit obtained under this Ordinance shall not authorize the collection,
7 handling or disposal of non-specified solid waste, hazardous or extremely
8 hazardous waste.
9

10 **B.** In the event that permittee inadvertently collects or is refused disposal of
11 waste on the basis that said waste is believed to be hazardous waste or extremely
12 hazardous waste, permittee shall immediately notify, by telephone and in
13 writing, the Health Officer, and the local fire agency or affected city, listing the
14 following information:
15

16
17 **1.** Name, address, and telephone numbers of the permittee.
18

19 **2.** Name, address, and telephone number of the location from which the
20 hazardous or extremely hazardous waste was collected.
21

22 **3.** A description of the type of hazardous or extremely hazardous waste
23 collected.
24

25 **4.** Location at which the hazardous or extremely hazardous waste is
26 being held.
27
28

1 **Section 5. APPLICATIONS:**
2

3 All applications for a Liquid Waste Vehicle permit or a Maintenance Facility
4 permit shall be filed with the Health Officer upon a form provided by the
5 Department. The application shall state the owner's name in full, if a partnership
6 the names of each of the partners, the relationship of the applicant to the firm or
7 partnership, the DBA if different than the owner's name, the location of business
8 or maintenance facilities, the mailing address, the business phone number and
9 the place of residence of the applicant. The application shall also state the exact
10 location of all disposal site(s) utilized, a list of the cities and other counties in
11 which the business will operate and a list of the vehicles requested to be
12 permitted, to include the make, model, year, California License number and
13 waste capacity.
14
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16
17 Any person in Riverside County who intends to use an Intermediary Storage
18 Tank located below the surface of the ground shall also submit a clearance from
19 the Land Development Branch of the Department. This clearance will assess the
20 size of the proposed facility, if existing, will review a C-42 License contractor's
21 evaluation of the tank or tanks and if new will insure applicable approvals have
22 been obtained from the appropriate County Departments.
23
24

25 Any person who intends to handle both hazardous materials and liquid waste
26 shall demonstrate evidence that a valid permit for hazardous materials collection
27 has been secured from the California State Department of Health Service.
28

1 **Section 6. PERMIT FEES:**

2
3 Prior to the issuance of a public health permit, there shall be paid to the Health
4 Officer the fees indicated below:

5
6 **1. First liquid waste vehicle \$120.00**

7
8 **2. For additional activities**

9
10 **a. Each vehicle after the first (1st) vehicle \$ 80.00**

11 **b. Maintenance facility \$ 60.00**

12 **c. Transfer or receipt \$ 10.00**

13 **d. Registration tag (decal) replacement \$ 5.00**

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17 All permits shall be issued on a calendar year basis. A permit issued for less than
18 one year shall be prorated to the quarter. If an application for a permit or permit
19 renewal is made more than 30 days after the date that such permit is required,
20 the applicant shall pay an additional fee of 20% of the fees normally due. If an
21 application for a permit or permit renewal is made more than 60 days after the
22 date that such permit is required, the applicant shall pay an additional fee of
23 100% of the fees normally due. The Health Officer shall provide a decal for
24 each permitted vehicle. The decal shall be permanently affixed to the windshield
25 so as to be clearly visible at all times. Upon completion of the vehicle inspection
26 report, a copy shall be furnished to the operator. Liquid Waste vehicles operated
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28

1 under a State of California permit to handle hazardous waste are exempt from
2 the payment of fees. Fees payable after June 30, 1992 shall be as established in
3 Riverside County Ordinance 640.
4

5 **Section 7. TERM AND RENEWAL:**
6

7 The terms, covenants and conditions of the permit shall commence upon
8 execution of the permit, for the duration of the calendar year or prorated portion
9 of the year in which the permit is issued.
10

11 **A. Non Renewal.** The making of a decision of non-renewal and the reason(s)
12 therefore, shall lie within the sole discretion of the Health Officer. Such decision
13 by the Health Officer shall be indicated by a written notice to the permittee 45
14 days prior to the expiration of the current permit. Any proposal for non-renewal
15 of the permit shall entitle the permittee, (when he so requests) to a hearing
16 before the Health Officer.
17

18 **B. Permit Suspension or Revocation.** Whenever the Health Officer finds that
19 a permittee is not in compliance with the requirements of this Ordinance, a
20 written notice to comply may be issued to the permittee. If the permittee fails to
21 comply, the Health Officer shall issue the permittee a notice setting forth the
22 acts or omissions with which the permittee is charged, and inform him of a right
23 to a hearing to show cause why the permit should not be suspended or revoked.
24

25 **C. Appeals/Hearing.** A written request for a hearing shall be made by the
26 permittee within 15 calendar days after receipt of the notice. Failure to request a
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1 hearing within 15 days after receipt of the notice shall be deemed a waiver of the
2 right to a hearing. The Health Officer may order a hearing at any reasonable
3 time within this 15-day period to expedite the permit suspension, revocation or
4 non-renewal process. The hearing shall be held within 10 county working days
5 of the receipt of a request for a hearing with a written notice of the decision
6 issued by the Hearing Officer within 5 county working days thereafter.
7

8
9 **Section 8. TRANSFERABILITY OF PERMIT**

10
11 No assignment or transfer, whether voluntary or involuntary, of the permit
12 issued under this Ordinance or any right thereunder, shall be made in whole or
13 in part by the permittee without the written approval of the Health Officer.
14

15 **Section 9. RESERVATION OF COUNTY'S RIGHT TO MANAGE WASTE**
16 **STREAM**

17
18 The County reserves the right to manage control of the County liquid waste
19 stream, including the right to direct deliveries to designated transfer stations,
20 processing facilities, waste water treatment facilities and/or disposal sites.
21

22 **Section 10. RIGHT OF FURTHER REGULATION RESERVED**

23
24 A. The County reserves the right to apply the basic standards contained in this
25 Ordinance to other non-hazardous substances which, by their nature and/or
26 composition, in the opinion of the Health Officer, require special handling
27 procedures consistent with those applied to items specifically designated herein
28

1 to adequately manage the waste stream of the County and to avoid the creation
2 of a health hazard or nuisance.

3
4 **B.** The County reserves the right to require a permit bond, pollution bond, or
5 other insurance bond of an amount up to \$100,000 per permittee, such right to
6 be dependant upon the reasonable need thereof, as may be determined by the
7 Health Officer.
8

9
10 **C.** The County reserves the right, at permittee expense, to require independent
11 certification of the integrity of any tank or vessel used for the collection or
12 handling of wastes.
13

14 **D.** The County reserves the right to require persons providing portable toilets
15 to submit in writing to the Health Department, the locations of all toilets in
16 service at a given time.
17

18 **Section 11. INDEMNITY:**
19

20 **A.** The permittee shall, at all times, act as an independent contractor, and
21 neither the permittee, his agents or employees, shall be considered agents or
22 employees of the County of Riverside. Further, the permittee, his agents or
23 employees shall have no authority to bind the County, in any manner or on any
24 matter, whatsoever.
25

26
27 **B.** The permittee as a condition of operating under the permit hereby agrees to
28 defend, indemnify, and hold harmless, the County, its officers, agents, and

1 employees from and against any and all claims, demands, expenses, costs, suits,
2 actions, legal proceedings, and attorney's fees incident to any work done in the
3 performance of the permit, arising out of willful or negligent acts or omissions
4 of the permittee, its officers, agents, and employees; provided, however, that the
5 permittee shall not be liable for any suits, actions, legal proceedings, claims
6 demands, damages, costs, expenses and attorneys' fees, arising out of the sole
7 willful or negligent act or omission of the County, its officers, agents, or
8 employees.
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11 C. The permittee or applicant for a permit shall defend, indemnify, and hold
12 harmless, the County, its officers, agents, servants and employees, from and
13 against any and all suits, actions, legal proceedings, claims, demands, damages,
14 losses, costs, expenses and attorneys' fees, incident to, or arising out of the
15 application for, the issuance of, or operations conducted under, any permit
16 issued or applied for pursuant to this Ordinance.
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19 **Section 12.** **ENFORCEMENT AUTHORITY**
20

21 It shall be the duty of the Health Officer of his agents to enforce the provisions
22 of this Ordinance.
23

24 **Section 13.** **RIGHT OF ENTRY**
25

26 The applicant shall agree, as a prerequisite to the issuance of the permit to allow
27 the Health Officer, at reasonable times and upon presentation of credentials to:
28

1 A. Enter upon the permittees maintenance facility, place of business or other
2 location(s) where the permittees vehicles may be stored or engaged in the
3 activities authorized by the permit;
4

5 B. Have access to and copy records required to be kept under the terms and
6 conditions of this permit;
7

8 C. Inspect any collection, transportation or storage vessels or vehicles
9 associated with the performance of the activities authorized by this permit;
10

11 D. Obtain any photographic documentation or evidence.
12

13 **Section 14. PUBLIC NUISANCE DECLARATION**
14

15 Any violation of this Ordinance is hereby deemed to be a public nuisance and
16 may be abated by the Health Officer irrespective of any other remedy herein
17 provided.
18

19 **Section 15. VIOLATIONS**
20

21 Violation of any of the provisions of this Ordinance, by any person, firm,
22 partnership, association, or corporation, whether holding a permit or not, or by
23 any customer, owner, occupant or agent, of a customer or user of waste services,
24 constitutes an infraction or misdemeanor as hereinafter specified. Such person or
25 entity shall be deemed guilty of a separate offense for each and every day or
26 portion thereof during which any violation is committed, continued or takes
27 place.
28

1 Any person so convicted shall be: (1) guilty of an infraction offense and
2 punished by a fine not exceeding one hundred dollars (\$100.00) for the first
3 violation; guilty of an infraction offense and punished by a fine not exceeding
4 two hundred dollars (\$200.00) of a second violation within two (2) years of the
5 first violation and perpetrated by the same person. The third and any additional
6 violations perpetrated by the same person shall constitute a misdemeanor
7 offense and shall be punishable by a fine not exceeding one thousand dollars
8 (\$1,000.00) or six (6) months in jail, or both.
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11 Notwithstanding the above, a first offense may be charged and prosecuted as a
12 misdemeanor. Payment of any penalty shall not relieve a person from the
13 responsibility for correcting the violation at his own expense.
14

15 The additional remedies, penalties, and procedures for violations of this
16 ordinance and for recovery of costs related to enforcement provided for in
17 Ordinance No. 725 are incorporated into this section by this reference.
18

19
20 **Section 16. SEVERABILITY**
21

22 If any clause, provision, sentence, or paragraph of this Ordinance, or the
23 application thereof, is deemed to be invalid as to any person, entity,
24 establishment, or circumstance, such invalidity shall not affect the other
25 provisions of this Ordinance which shall still remain in effect, and to this end, it
26 is hereby declared that the provisions of this Ordinance are severable.
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Section 17. REPEAL

Ordinance 540 and all amendments thereto, shall be repealed and of no further force or effect upon and after the effective date of this Ordinance.

ADOPTED: 1-14-92 (Eff.: 2-13-92)

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ORDINANCE NO. 712.1

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE REGULATING THE
COLLECTION, TRANSPORTATION AND REMOVAL OF LIQUID WASTES AND
ANIMAL BY PRODUCTS**

(Incorporating Riverside County Ordinance No. 725)

The Board of Supervisors of the County of Riverside, State of California, Ordains as Follows:

Section 1. DEFINITIONS: The terms as used in this Ordinance shall have the following meanings:

A. "Animal by-products" shall mean the bones, fat, grease, meats and blood waste generated by the processing of meat for animal or human consumption at locations including, but not limited to, butchering facilities, markets, restaurants, or packaging plants.

B. "Approval" shall mean the written approval by the Health Officer or his designated representative.

C. "County" shall mean, the County of Riverside, State of California.

D. "Deodorizer or other Additives" shall mean any substance that is placed in the waste receptacle of a portable toilet for the purpose of controlling odors and/or decomposition.

E. "Department" shall mean the County of Riverside Department of Health.

1 **F. "Disposal Site"** shall mean a liquid waste facility including, but not limited
2 to, evaporation ponds at sanitary landfills, sewage treatment facilities and
3 reclamation facilities that are licensed, permitted or approved by all
4 governmental bodies and agencies having jurisdiction.
5

6 **G. "Employer"** shall mean any person operating a business at which 10 or
7 more persons work in locations for more than 4 consecutive hours in any one
8 day. This includes, but is not limited to, manufacturers and construction
9 contractors.
10

11 **H. "Grease Trap/Interceptor"** shall mean a clarifier or other device used to
12 retain grease from normal wastes and permit normal sewage or liquid wastes to
13 discharge into the disposal terminal. Waste removed from clarifiers used for
14 any other purpose shall be considered Industrial waste.
15
16

17 **I. "Handling"** shall mean the transporting, transferring, pumping, processing,
18 storing, or packaging of waste referred to in this Ordinance.
19

20 **J. "Health Officer"** shall mean the Health Officer of the County of Riverside
21 or his designated representative.
22

23 **K. "Hazardous Material"** shall mean a substance or combination of substances
24 which, because of its quantity, concentration, or physical, chemical or infectious
25 characteristics may either:
26
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1 1. Cause or significantly contribute to an increase in mortality or an
2 increase in serious irreversible, or incapacitating reversible, illness; or
3

4 2. Pose a substantial present or potential hazard to human health or
5 environment when improperly treated, stored, transported or disposed of
6 or otherwise managed.
7

8 **L. "Industrial Liquid Waste"** shall mean any and all liquid or water borne
9 waste from industrial or commercial processes, except septic waste (domestic
10 sewage).
11

12 **M. "Intermediary Storage Tank"** shall mean a stationary tank used for the
13 temporary storage of non-hazardous liquid waste which will be transported off
14 site to a disposal site for subsequent treatment or disposal.
15

16 **N. "Liquid Waste"** shall mean all non-hazardous wastes that are neither solid
17 nor gaseous.
18

19 **O. "Liquid Waste Vehicle"** shall mean any conveyance or portable
20 equipment used in the collection and/or transfer of residential or commercial
21 non-hazardous liquid waste. It shall also mean any vehicle which is used to
22 transport sewage sludge and vehicles used to collect or transport animal by-
23 products. When used in conjunction with a tractor/trailer mounted collection
24 unit, vehicle shall refer to the trailer.
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1 **P. "Maintenance Facility"** shall mean the yard or location wherein those
2 companies with portable toilets and/or three or more vehicles, clean, repair and
3 store vehicles or toilets when not in use, or where an "Intermediary Storage
4 Tank" is located.
5

6 **Q. "Portable Toilet"** shall mean a self-contained, flush or non-flush toilet
7 wherein the waste is deposited directly into a reservoir which may contain a
8 solution of water incorporating an approved deodorizer or other additive for
9 odor control. The units may be mounted on mobile trailers, skids, or otherwise
10 readily movable structures. These facilities are also known as "chemical toilets".
11

12 **R. "Person"** shall mean any person, firm, business, sole proprietorship,
13 partnership, joint venture, trust, association, or corporation whether for profit or
14 nonprofit.
15

16 **S. "Promoter"** shall mean any person which assumes the financial and/or
17 legal responsibility for an exhibition, special event or other activity at which the
18 general public may gather. These activities include both "free" events and events
19 for which an entry fee is assessed.
20

21 **T. "Septic Waste"** shall mean the liquid and water borne wastes derived from
22 the ordinary living processes, free from industrial wastes, and of such character
23 as to permit satisfactory disposal, without special treatment, into the public
24 sewer or by means of a private sewage disposal system. This is also known as
25 domestic sewage.
26
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1 **U. "Sewage" or "Sewage Effluent"** shall mean any and all waste substances,
2 liquid or solid, associated with human habitation, or which contains or may be
3 contaminated with human or animal excrement, offal, or any feculent matter.
4

5 **V. "Sludge"** shall mean the non-hazardous solids, semi-solids or liquids
6 generated by the processing of liquid waste by a community or municipal
7 sewage treatment plant.
8

9 **W. "Toilet Facility"** shall mean a fixture maintained within a toilet room for
10 the purpose of defecation, urination, or both.
11

12 **X. "Toilet Room"** shall mean an enclosure containing one or more toilet
13 facilities.
14

15
16 **Section 2. PROHIBITIONS:**

17 **A.** No person shall engage in the business of providing or cleaning portable
18 toilets or the cleaning of septic tanks, cesspools, sewage seepage pits or grease
19 traps, or engage in the transportation of wastes collected by such cleaning, or
20 handle the wastes from any animal by-products, or other non-hazardous liquid
21 waste within the County of Riverside in violation of this Ordinance.
22

23 **B.** No person shall provide or use an Intermediary Storage Tank in conjunction
24 with a liquid waste handling business regulated by this Ordinance without prior
25 written approval from the Health Officer.
26
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28

1 C. No person shall operate a Liquid Waste Vehicle, furnish or provide a
2 portable toilet or toilets, handle the wastes from animal by-products, clean septic
3 tanks, etc., or maintain or operate maintenance facilities without holding a
4 current unrevoked and unsuspended permit issued by the Health Officer.
5 Persons or vehicles regulated through other Ordinances or programs enforced by
6 the Department may be exempted from the permitting requirements of this
7 Ordinance upon written statement issued by the Health Officer.
8

9
10 D. Employers and promoters shall provide or cause to be provided toilet
11 facilities meeting the specifications as established by resolution adopted by the
12 Board of Supervisors.
13

14 E. All wastes or other material collected under the authority of this Ordinance
15 shall be transported to a disposal site approved by the Health Officer for that
16 type of waste. The express, written permission of the operator of the disposal
17 site shall be secured by the permittee prior to disposal at the site or into any
18 system which is connected to the site.
19

20
21 F. The standards established for the acceptance of waste by the operator of the
22 disposal sites shall be observed at all times by permittees.
23

24 **Section 3.**

SPECIFICATIONS: The Health Officer is hereby authorized to issue permits
25 authorizing the holder thereof to perform the following services in accordance
26 with the requirements of this Ordinance:
27
28

1 **A. Type of Service Provided:** The permit issued will allow the permittee to
2 provide collection service(s) for removal and transportation of all wastes as
3 defined in this section. The permittee shall take all steps necessary to assure that
4 such handling is completed in a safe, sanitary and efficient manner.
5

6
7 **1. SEPTIC WASTE**

8 **a.** The permittee is authorized to collect and transport all
9 residential and commercial septic wastes as defined.
10

11 **b.** The permittee is authorized to collect, transport and dispose
12 of industrial waste as defined upon verification that said waste is
13 free of any products or contaminants which could result in a
14 classification as hazardous waste.
15

16 **c.** The permittee shall be required to conduct testing of all waste
17 to include at least a pH analysis of each load accepted. Waste
18 with a pH less than or equal to 2, or greater than or equal to 12.5
19 is considered a hazardous waste and shall not be handled by
20 permittees unless a valid permit for hazardous materials
21 collection has been secured from the California State Department
22 of Health Services.
23

24 **d.** Each residential septic tank pumping customer shall be
25 informed, in writing of:
26
27
28

1 c. The employer and/or promoter of businesses, construction
2 and demolition sites and public events where permanent toilet
3 facilities of sufficient number are not available shall provide
4 these sites/events with portable toilets in the numbers specified
5 by Resolution of the Board of Supervisors.
6

7
8 d. Portable toilets are to be cleaned and sanitized by the
9 permittee at least once a week. A permanent maintenance record
10 for each unit, listing the dates the unit has been serviced and the
11 deodorizer used, is to be maintained on the inside wall of the
12 portable toilet for confirmation by the Health Officer.
13

14 e. Deodorizing/sanitizing additives, used in the waste container
15 shall be in accordance with applicable federal, state and local
16 provisions.
17

18
19 f. Portable toilets shall be thoroughly cleaned and sanitized
20 before being moved to a different location. If repairs are needed,
21 the portable toilets shall be taken to the company's maintenance
22 facility and repaired to meet the standards set by resolution of the
23 Board of Supervisors.
24

25
26 **3. ANIMAL BY-PRODUCTS (FAT/GREASE)**

27 a. The permittee shall take all steps as may be reasonable and
28 necessary in order to assure that the collection of all fats, animal

1 by-products or grease collected for the purpose of reclamation,
2 reuse or disposal is handled in a manner which will minimize
3 spillage, public hazard or nuisance.
4

5 **b.** All contents from grease traps/interceptors or liquid animal
6 by-products (such as egg shell waste) shall be collected with an
7 approved vehicle and discharged to either:
8

9
10 1. A disposal site specifically approved for grease trap
11 wastes, or

12
13 2. A facility which processes the waste for reclamation
14 or subsequent discharge.
15

16 **c.** Where liquid animal by-products or grease is stored by the
17 generator in leakproof approved containers, the storage container
18 itself may be transported on or in an approved vehicle to the
19 processing facility.
20

21 **d.** Solid animal by-products such as bones, fat or meat are to be
22 transported on or in an approved vehicle to a processing facility.
23 Collection and transportation of solid animal by-products to a
24 disposal site by any person other than the generator constitutes
25 Solid Waste Collection as regulated under separate County
26 Ordinance and therefore is prohibited under the terms of this
27 Ordinance.
28

1 2. Any discharge or spillage at a location other than an approved
2 disposal site or processing facility shall be cleaned and appropriately
3 disinfected prior to the vehicle driver's departure from the site. Such
4 discharge or spillage shall be reported by the permittee to the Health
5 Officer within 24 hours of the incident.
6

7
8 3. Any container, vessel, tank or vehicle used to store, collect or
9 consolidate waste collected by the permittee prior to discharge or
10 delivery shall be approved by the Health Officer and is subject to
11 approvals or permits by other agencies with jurisdiction.
12

13 **C. REPORTS.** Every permittee shall provide one or more reports as required
14 by the Health Officer within 10 calendar days of the end of each calendar month
15 on forms supplied by the Department.
16

17
18 1. Permittees handling septic or grease trap waste. The report shall be
19 written in a clear and legible manner and shall list all septic tanks,
20 cesspools, grease traps, sewage seepage pits or any other non-hazardous
21 waste containers pumped or cleaned by the permittee during the month.
22 The report shall list the date, address of the property, the name of the
23 owner or tenant, gallonage pumped from the site, the disposal site, and
24 total gallonage disposed for that month.
25

26
27 2. Permittees servicing portable toilets shall report the number of toilets
28 serviced, the volume removed and the disposal site(s).

1 3. Permittees handling animal by-products shall report the volume or
2 weight of the materials collected during the month and the processing
3 site(s) to which the animals' by-products were delivered.
4

5 4. Permittees handling sewage sludge shall report the source, volume
6 and disposal site for each load transported in the County.
7

8 **D. FACILITIES AND EQUIPMENT.**
9

10 1. The permittee shall maintain its maintenance facilities in a clean and
11 safe condition. The permittee shall, upon request, provide a clearance
12 from the appropriate planning agency, Regional Water Quality Control
13 Board or other appropriate public or private agencies approving the site
14 for all uses intended.
15

16 2. Maintenance facilities at which vehicles or portable toilets are
17 washed shall be provided with adequate drainage to an approved sewer
18 or subsurface disposal system. The entire lot shall be adequately sloped
19 for drainage control. All hose bibs and other water outlets shall be
20 protected by an approved backflow prevention device.
21

22 3. Vehicles used shall meet the following specifications:
23

24 a. All vehicles used for the collection of waste in a liquid form
25 shall be equipped with a reliable tank content level indicator,
26
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1 shall be water tight, and have water tight covers on the manholes
2 and fittings.

3
4 **b.** Vehicles which are used exclusively to service portable
5 toilets may be exempted from the requirement of a tank content
6 level indicator, at the discretion of the Health Officer.
7

8 **c.** The name (or DBA) and address or phone number of the
9 person to whom the permit is issued shall be printed on both sides
10 of the vehicle. The letters shall be a minimum of three inches (3")
11 in height and fully visible and legible at all times. The liquid
12 waste tank capacity shall be approved and certified by any
13 County Department of Weights and Measures or similar agency
14 and clearly indicated on both sides of the vehicle in contrasting
15 letters no smaller than one inch (1").
16
17

18 **d.** All discharge valves or gates shall be operated from the
19 valves or gates themselves and not by controls within the cab of
20 the truck. Contents shall be discharged through a closed line
21 without spilling or splashing and all valves shall shut tightly
22 without difficulty. The discharge line shall be equipped with a
23 leak proof cap which shall be fitted over the outlet pipe at all
24 times, except when the contents of the tank are being discharged.
25 This cap shall be securely attached to the vehicle by a chain or
26 similar device as approved by the Health Officer.
27
28

1 e. All pumps shall be leak proof and all lines used for pumping
2 or cleaning of waste disposal systems shall be furnished by the
3 permittee.
4

5 f. All vehicles shall be kept clean of splashings and waste
6 accumulation. All vehicles shall be kept in good repair, and not
7 leaking oil or other fluids onto the surface of the ground.
8

9 g. All water used in cleaning lines and equipment shall be
10 discharged into an approved sewage disposal system or disposal
11 site.
12

13 h. Each vehicle shall carry a minimum of five (5) gallons of
14 fresh water on the vehicle.
15

16 i. Each vehicle shall carry a garden hose of at least twenty five
17 (25) feet in length and one (1) gallon of disinfectant for cleaning
18 spillage.
19

20 k. Vehicles used for transporting wastes not in a liquid state
21 shall be designed, constructed and maintained to eliminate the
22 potential for spillage. Such vehicles are subject to any of the
23 above requirements which are appropriate for the waste being
24 transported.
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1 I. Vehicles are to meet all standards established by other
2 government agencies including, but not limited to:

- 3 1) Vehicular emissions,
- 4
- 5 2) Safety equipment or OSHA standards,
- 6
- 7
- 8 3) Noise levels,
- 9
- 10 4) Applicable Highway Patrol inspections.

11 E. **PERSONNEL.** Permittee shall be responsible to see that his personnel
12 involved in the handling of waste collected under the authority granted by the
13 permit are adequately trained and experienced in liquid waste collection,
14 sanitation responsibilities and use of acceptable public relations skills.
15

16 F. **HANDLING OF COMPLAINTS.** Permittee shall be equipped to directly
17 receive and promptly process all customer complaints associated with the
18 service provided. The Health Officer shall provide general assistance to
19 permittees' customers who complain to the Department and shall refer such
20 customers to the permittee for more specific problem resolution. The permittee
21 shall give prompt, courteous attention to all complaints and resolve them to the
22 satisfaction of the Health Officer.
23

24 G. **CHANGE OF ADDRESS.** The permittee shall report any change of
25 ownership, DBA or address of the place of residence or business of any person
26
27
28

1 permitted under this Ordinance reported in writing to the Health Officer by
2 registered mail within 10 days after said change.
3

4 **Section 4. HAZARDOUS WASTE:**
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6 **A.** A permit obtained under this Ordinance shall not authorize the collection,
7 handling or disposal of non-specified solid waste, hazardous or extremely
8 hazardous waste.
9

10 **B.** In the event that permittee inadvertently collects or is refused disposal of
11 waste on the basis that said waste is believed to be hazardous waste or extremely
12 hazardous waste, permittee shall immediately notify, by telephone and in
13 writing, the Health Officer, and the local fire agency or affected city, listing the
14 following information:
15

- 16 1. Name, address, and telephone numbers of the permittee.
17
- 18 2. Name, address, and telephone number of the location from which the
19 hazardous or extremely hazardous waste was collected.
20
- 21 3. A description of the type of hazardous or extremely hazardous waste
22 collected.
23
- 24 4. Location at which the hazardous or extremely hazardous waste is
25 being held.
26
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1 **Section 5. APPLICATIONS:**
2

3 All applications for a Liquid Waste Vehicle permit or a Maintenance Facility
4 permit shall be filed with the Health Officer upon a form provided by the
5 Department. The application shall state the owner's name in full, if a partnership
6 the names of each of the partners, the relationship of the applicant to the firm or
7 partnership, the DBA if different than the owner's name, the location of business
8 or maintenance facilities, the mailing address, the business phone number and
9 the place of residence of the applicant. The application shall also state the exact
10 location of all disposal site(s) utilized, a list of the cities and other counties in
11 which the business will operate and a list of the vehicles requested to be
12 permitted, to include the make, model, year, California License number and
13 waste capacity.
14
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16
17 Any person in Riverside County who intends to use an Intermediary Storage
18 Tank located below the surface of the ground shall also submit a clearance from
19 the Land Development Branch of the Department. This clearance will assess the
20 size of the proposed facility, if existing, will review a C-42 License contractor's
21 evaluation of the tank or tanks and if new will insure applicable approvals have
22 been obtained from the appropriate County Departments.
23
24

25 Any person who intends to handle both hazardous materials and liquid waste
26 shall demonstrate evidence that a valid permit for hazardous materials collection
27 has been secured from the California State Department of Health Service.
28

1 **Section 6. PERMIT FEES:**

2
3 Prior to the issuance of a public health permit, there shall be paid to the Health
4 Officer the fees indicated below:

5
6 **1. First liquid waste vehicle \$120.00**

7
8 **2. For additional activities**

9
10 **a. Each vehicle after the first (1st) vehicle \$ 80.00**

11 **b. Maintenance facility \$ 60.00**

12 **c. Transfer or receipt \$ 10.00**

13
14
15 **d. Registration tag (decal) replacement \$ 5.00**

16
17 All permits shall be issued on a calendar year basis. A permit issued for less than
18 one year shall be prorated to the quarter. If an application for a permit or permit
19 renewal is made more than 30 days after the date that such permit is required,
20 the applicant shall pay an additional fee of 20% of the fees normally due. If an
21 application for a permit or permit renewal is made more than 60 days after the
22 date that such permit is required, the applicant shall pay an additional fee of
23 100% of the fees normally due. The Health Officer shall provide a decal for
24 each permitted vehicle. The decal shall be permanently affixed to the windshield
25 so as to be clearly visible at all times. Upon completion of the vehicle inspection
26 report, a copy shall be furnished to the operator. Liquid Waste vehicles operated
27
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1 under a State of California permit to handle hazardous waste are exempt from
2 the payment of fees. Fees payable after June 30, 1992 shall be as established in
3 Riverside County Ordinance 640.
4

5 **Section 7. TERM AND RENEWAL:**
6

7 The terms, covenants and conditions of the permit shall commence upon
8 execution of the permit, for the duration of the calendar year or prorated portion
9 of the year in which the permit is issued.
10

11 **A. Non Renewal.** The making of a decision of non-renewal and the reason(s)
12 therefore, shall lie within the sole discretion of the Health Officer. Such decision
13 by the Health Officer shall be indicated by a written notice to the permittee 45
14 days prior to the expiration of the current permit. Any proposal for non-renewal
15 of the permit shall entitle the permittee, (when he so requests) to a hearing
16 before the Health Officer.
17

18 **B. Permit Suspension or Revocation.** Whenever the Health Officer finds that
19 a permittee is not in compliance with the requirements of this Ordinance, a
20 written notice to comply may be issued to the permittee. If the permittee fails to
21 comply, the Health Officer shall issue the permittee a notice setting forth the
22 acts or omissions with which the permittee is charged, and inform him of a right
23 to a hearing to show cause why the permit should not be suspended or revoked.
24

25 **C. Appeals/Hearing.** A written request for a hearing shall be made by the
26 permittee within 15 calendar days after receipt of the notice. Failure to request a
27
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1 hearing within 15 days after receipt of the notice shall be deemed a waiver of the
2 right to a hearing. The Health Officer may order a hearing at any reasonable
3 time within this 15-day period to expedite the permit suspension, revocation or
4 non-renewal process. The hearing shall be held within 10 county working days
5 of the receipt of a request for a hearing with a written notice of the decision
6 issued by the Hearing Officer within 5 county working days thereafter.
7

8
9 **Section 8. TRANSFERABILITY OF PERMIT**

10
11 No assignment or transfer, whether voluntary or involuntary, of the permit
12 issued under this Ordinance or any right thereunder, shall be made in whole or
13 in part by the permittee without the written approval of the Health Officer.
14

15 **Section 9. RESERVATION OF COUNTY'S RIGHT TO MANAGE WASTE**
16 **STREAM**

17
18 The County reserves the right to manage control of the County liquid waste
19 stream, including the right to direct deliveries to designated transfer stations,
20 processing facilities, waste water treatment facilities and/or disposal sites.
21

22 **Section 10. RIGHT OF FURTHER REGULATION RESERVED**

23
24 A. The County reserves the right to apply the basic standards contained in this
25 Ordinance to other non-hazardous substances which, by their nature and/or
26 composition, in the opinion of the Health Officer, require special handling
27 procedures consistent with those applied to items specifically designated herein
28

1 to adequately manage the waste stream of the County and to avoid the creation
2 of a health hazard or nuisance.

3
4 **B.** The County reserves the right to require a permit bond, pollution bond, or
5 other insurance bond of an amount up to \$100,000 per permittee, such right to
6 be dependant upon the reasonable need thereof, as may be determined by the
7 Health Officer.
8

9
10 **C.** The County reserves the right, at permittee expense, to require independent
11 certification of the integrity of any tank or vessel used for the collection or
12 handling of wastes.
13

14 **D.** The County reserves the right to require persons providing portable toilets
15 to submit in writing to the Health Department, the locations of all toilets in
16 service at a given time.
17

18 **Section 11. INDEMNITY:**
19

20 **A.** The permittee shall, at all times, act as an independent contractor, and
21 neither the permittee, his agents or employees, shall be considered agents or
22 employees of the County of Riverside. Further, the permittee, his agents or
23 employees shall have no authority to bind the County, in any manner or on any
24 matter, whatsoever.
25

26
27 **B.** The permittee as a condition of operating under the permit hereby agrees to
28 defend, indemnify, and hold harmless, the County, its officers, agents, and

1 employees from and against any and all claims, demands, expenses, costs, suits,
2 actions, legal proceedings, and attorney's fees incident to any work done in the
3 performance of the permit, arising out of willful or negligent acts or omissions
4 of the permittee, its officers, agents, and employees; provided, however, that the
5 permittee shall not be liable for any suits, actions, legal proceedings, claims
6 demands, damages, costs, expenses and attorneys' fees, arising out of the sole
7 willful or negligent act or omission of the County, its officers, agents, or
8 employees.
9
10

11 C. The permittee or applicant for a permit shall defend, indemnify, and hold
12 harmless, the County, its officers, agents, servants and employees, from and
13 against any and all suits, actions, legal proceedings, claims, demands, damages,
14 losses, costs, expenses and attorneys' fees, incident to, or arising out of the
15 application for, the issuance of, or operations conducted under, any permit
16 issued or applied for pursuant to this Ordinance.
17
18

19 **Section 12. ENFORCEMENT AUTHORITY**

20
21 It shall be the duty of the Health Officer of his agents to enforce the provisions
22 of this Ordinance.
23

24 **Section 13. RIGHT OF ENTRY**

25
26 The applicant shall agree, as a prerequisite to the issuance of the permit to allow
27 the Health Officer, at reasonable times and upon presentation of credentials to:
28

1 A. Enter upon the permittees maintenance facility, place of business or other
2 location(s) where the permittees vehicles may be stored or engaged in the
3 activities authorized by the permit;
4

5 B. Have access to and copy records required to be kept under the terms and
6 conditions of this permit;
7

8 C. Inspect any collection, transportation or storage vessels or vehicles
9 associated with the performance of the activities authorized by this permit;
10

11 D. Obtain any photographic documentation or evidence.
12

13 **Section 14. PUBLIC NUISANCE DECLARATION**
14

15 Any violation of this Ordinance is hereby deemed to be a public nuisance and
16 may be abated by the Health Officer irrespective of any other remedy herein
17 provided.
18

19 **Section 15. VIOLATIONS**
20

21 Violation of any of the provisions of this Ordinance, by any person, firm,
22 partnership, association, or corporation, whether holding a permit or not, or by
23 any customer, owner, occupant or agent, of a customer or user of waste services,
24 constitutes an infraction or misdemeanor as hereinafter specified. Such person or
25 entity shall be deemed guilty of a separate offense for each and every day or
26 portion thereof during which any violation is committed, continued or takes
27 place.
28

1 Any person so convicted shall be: (1) guilty of an infraction offense and
2 punished by a fine not exceeding one hundred dollars (\$100.00) for the first
3 violation; guilty of an infraction offense and punished by a fine not exceeding
4 two hundred dollars (\$200.00) of a second violation within two (2) years of the
5 first violation and perpetrated by the same person. The third and any additional
6 violations perpetrated by the same person shall constitute a misdemeanor
7 offense and shall be punishable by a fine not exceeding one thousand dollars
8 (\$1,000.00) or six (6) months in jail, or both.
9
10

11 Notwithstanding the above, a first offense may be charged and prosecuted as a
12 misdemeanor. Payment of any penalty shall not relieve a person from the
13 responsibility for correcting the violation at his own expense.
14

15 The additional remedies, penalties, and procedures for violations of this
16 ordinance and for recovery of costs related to enforcement provided for in
17 Ordinance No. 725 are incorporated into this section by this reference.
18
19

20 **Section 16. SEVERABILITY**

21 If any clause, provision, sentence, or paragraph of this Ordinance, or the
22 application thereof, is deemed to be invalid as to any person, entity,
23 establishment, or circumstance, such invalidity shall not affect the other
24 provisions of this Ordinance which shall still remain in effect, and to this end, it
25 is hereby declared that the provisions of this Ordinance are severable.
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28

1 **Section 17. REPEAL**

2
3 Ordinance 540 and all amendments thereto, shall be repealed and of no further
4 force or effect upon and after the effective date of this Ordinance.
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11 **ADOPTED: 1-14-92 (Eff.: 2-13-92)**
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