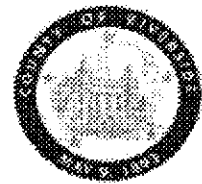


FORM APPROVED COUNTY COUNSEL
BY: JIRNY H. RA 3/4/09
DATE

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

803



FROM: Community Health Agency/Department of Environmental Health

SUBMITTAL DATE:
March 11, 2009

SUBJECT: Approval of the Amendment of Riverside County Ordinance 651.3, Requiring Disclosure of Hazardous Materials and the Formulation of Business Emergency Plans

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Introduce and set for public hearing the adoption of Ordinance 651.4;
- 2) Authorize the Clerk of the Board to place an advertisement for the public hearing in the appropriate local publications; and
- 3) Upon close of the public hearing, adopt Ordinance 651.4 as proposed.

BACKGROUND: On March 27, 2001, the Board of Supervisors adopted Ordinance 651.3. This Ordinance requires the disclosure of hazardous materials, acutely hazardous materials inventories, and the formulation of emergency response plans for those businesses that handle and store hazardous materials. Ordinance 651 was originally adopted pursuant to Chapter 6.95 of the California Health and Safety Code Section 25500 et seq. This section required counties to inventory and disclose, as well as establish minimum standards for basic information on the location, type, quantity, and health risks of hazardous materials handled. The Department of Environmental Health (DEH) was designated as the administering agency for the County of Riverside in implementing this California Health and Safety Code requirement. (continued)

Steve Van Stockum

Steve Van Stockum, Director
Department of Environmental Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	08/09

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

C.E.O. RECOMMENDATION:

APPROVE

BY: *Debra Cournoyer*
Debra Cournoyer

County Executive Office Signature

Consent
 Policy

 Consent
 Policy

 Dept's Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: 3/27/01, item 13.5 | District: All | Agenda Number:

3.8

The DEH receives business emergency plans from facilities and performs data entry of the chemical inventory, site map, and emergency contact information. The Fire Departments, Hazardous Materials Emergency Response Teams, and the DEH field staff utilize this information daily when responding to emergency situations and when conducting inspections.

A summary of the proposed changes are as follows:

- 1) The change of definition of "Business" to include city, county, state, federal, and special districts. This is a result of legislative change which allows for regulating these types of handlers.
- 2) To accurately encompass current procedures in the garment dry cleaning industry, the terms "perchloroethylene" and "tetrachloroethylene" are changed to "dry cleaning fluids;"
- 3) Expanded the Special Handler Classification to include: handling of up to 1,000 pounds of "lead acid batteries"; more than 200 cubic feet of carbon dioxide used in the carbonation of beverages; and up to 1,000 cubic feet of helium used for inflation of balloons. This is a direct result of changing technology and the increased inherent safety of products that are now in use;
- 4) Deleted sections regarding permit suspensions/revocations and related hearings, to use incorporated remedies and procedures as set forth in Riverside County Ordinance 725 instead; and
- 5) An overall update and clean up of various language for the purpose of clarity.

1 Section 6. Existing Subsection j. of Section 2. of Ordinance No. 651 is
2 renumbered Subsection i.

3 Section 7. Subsections b., d., and e. of Section 3. of Ordinance No. 651 are
4 amended to read as follows:

5 “b. Correction of Unsafe Conditions

6 Whenever the owner or an employee of a business discovers or
7 becomes aware of any condition that is likely to cause injury to the
8 public, employees of the business, or damage to either property or the
9 environment, the owner or operator of the business shall immediately
10 correct that condition. If the condition is a hazard likely to cause
11 serious injury or death to the public, employees, or is a hazard likely to
12 cause substantial damage to property or the environment, the business
13 owner or operator shall, until the unsafe condition has been corrected,
14 immediately cease the operation of the unsafe portion of the business.

15 d. Warning Signs

16 Hazard identification signs specified and in conformity with the
17 National Fire Protection Association (NFPA) Standard 704 shall be
18 placed in locations where hazardous materials are stored or handled in
19 quantities requiring a permit and at entrances to the business.
20 Aboveground storage tanks containing a hazardous material shall be
21 posted with the appropriate NFPA 704 sign on a visible side or sides,
22 and be readable.

23 e. Posting and Labeling

24 The following shall be posted with the appropriate signage: entrances
25 and exits; hazardous materials storage areas; emergency equipment;
26 and pesticide storage areas. Emergency contact information shall be
27 posted in a conspicuous location. Containers holding hazardous
28 materials shall be labeled as to the contents. Other information may be

1 required on the label by the DEH as stipulated in the current Business
2 Emergency Plan instructions.”

3 Section 8. Subsection a. of Section 4. of Ordinance No. 651 is amended to read as
4 follows:

5 “a. Permit

6 Except as provided in Chapter 6.95 CH&SC, no person shall operate
7 or maintain a business where hazardous materials, or a mixture
8 containing hazardous materials, are handled in a quantity that is equal
9 to or greater than an amount specified in Section 7 of this Ordinance
10 without a valid permit issued by the DEH. The owner or operator of a
11 business shall obtain a permit for handling hazardous materials from
12 the DEH.

13 For a previously non-permitted business, a permit fee and completed
14 Business Emergency Plan are due at the time a hazardous material, or
15 a mixture containing a hazardous material, is first handled at a
16 business in a quantity that is equal to or greater than an amount
17 specified in Section 7 of this Ordinance. A permit may be issued at
18 any time during the year.”

19 Section 9. Subsection b. of Section 4. of Ordinance No. 651 is amended to read
20 as follows:

21 “b. Requirements. For a business to handle hazardous materials in
22 quantities specified in Section 7 of this Ordinance, a completed
23 Business Emergency Plan shall be submitted to the DEH. The
24 Business Emergency Plan shall be submitted on the forms provided by
25 the DEH with the appropriate fee as specified in Ordinance 640 and
26 referenced in Section 8 of this Ordinance. All permits shall expire
27 annually on the one-year anniversary of the date of program
28

1 qualification. A new permit shall be applied for on or before the date
2 of expiration.”

3 Section 10. Subsections d. and f. of Section 4. of Ordinance No. 651 are amended
4 to read as follows:

5 “d. Permit Issuance

6 The DEH will issue a permit to handle hazardous materials when the
7 following requirements have been met:

- 8 1. The Business Emergency Plan has been completed, submitted,
9 reviewed and approved by the DEH.
- 10 2. The applicable fees, paid in full, as specified in Ordinance 640
11 and referenced in Section 8 of this Ordinance, have been
12 received.

13 f. Maintaining Permit and Business Emergency Plan on Premises

14 A permit issued pursuant to this Ordinance shall be posted at the
15 permitted place of business. A copy of the approved Business
16 Emergency Plan shall be maintained on-site, clearly identified, and
17 easily accessible to employees.”

18 Section 11. The title of Section 5. of Ordinance No. 651 shall be amended to read
19 as follows:

20 “AMENDMENT OF BUSINESS EMERGENCY PLAN”

21 Section 12. The first sentence of Subsection a. of Section 5. of Ordinance No. 651
22 is amended to read as follows:

23 “Sent” is replaced with “submitted.”

24 Section 13. Subsection a. of Section 6. of Ordinance No. 651 is amended to read as
25 follows:

26 “a. Hazardous Material Inventory

27 A business shall annually submit to the DEH its hazardous materials
28 inventory on the inventory reporting form, or submit a certification

1 statement reporting current status as it may apply to changes in
2 inventory, if any, within the previous year. Changes to the inventory
3 shall be submitted on forms provided by the DEH or other forms as
4 approved by the DEH.”

5 Section 14. Subsection a. of Section 7. of Ordinance No. 651 is amended to read as
6 follows:

7 “a. Categories of Hazardous Materials. For purposes of permitting
8 businesses pursuant to this Ordinance, categories of hazardous
9 materials shall be as follows:”

10 Section 15. Sub-subsection 1. of Subsection a. of Section 7. of Ordinance No. 651
11 is amended to read as follows:

12 “1. CATEGORY A.

- 13 A. Motor vehicle fuels stored in an underground tank system
14 B. Lubricants and coolants stored above or below ground
15 C. Hydraulic equipment fluids
16 D. Motor vehicle parts cleaning fluids
17 E. Used motor oil stored above or below ground
18 F. One thousand pounds or less of lead acid batteries
19 G. One thousand cubic feet or less of compressed gases used in
20 welding
21 H. Carbon dioxide liquid/gas when used in carbonation of
22 beverages at a food serving business
23 I. One hundred ten gallons or less of dry cleaning fluid stored
24 above ground when used as a solvent for cleaning garments
25 J. One thousand cubic feet or less of helium used for inflation of
26 balloons”

27 Section 16. Sub-subsection 3.B. of subsection a. of Section 7. of Ordinance No.
28 651 is amended to read as follows:

1 The reference to chapter "6.96" is replaced with "6.95."

2 Section 17. Sub-subsection 3.E. of subsection a. of Section 7. of Ordinance No.
3 651 is amended to read as follows:

4 "Unit States" is replaced with "United States."

5 Section 18. The first paragraph of Subsection b. of Section 7. of Ordinance No.
6 651 is amended to read as follows:

7 "A hazardous materials handler shall be classified for fee assessment purposes
8 according to the criteria of this Section. A handler that is eligible for
9 assessment under more than one Hazard Classification Level shall be assessed
10 at the level indicating the greatest hazard potential and based on the types and
11 quantities of hazardous materials handled. The Hazard Classification Levels
12 shall be as follows:"

13 Section 19. Sub-subsection 2. of subsection b. of Section 7. of Ordinance No. 651
14 is amended to read as follows:

15 **"2. Special Handler**

16 Any business, handling only those materials listed in Category A of
17 this Section, which has a cumulative quantity equal to or greater than
18 55 gallons, 500 pounds or 200 cubic feet of gas at standard
19 temperature and pressure; no more than 1000 cubic feet, at standard
20 temperature and pressure of compressed welding gases such as
21 oxygen, acetylene, argon, etc., when those gases are used as part of a
22 motor vehicle maintenance operation; any business handling motor
23 vehicle fuels listed in Category A of this Section in underground
24 storage tanks regulated by Ordinance 617; any business handling lead
25 acid batteries in quantities less than or equal to 1000 pounds; any
26 business handling dry cleaning fluid used as a solvent in the dry
27 cleaning process less than or equal to 110 gallons total quantity on site
28 stored above ground; any business handling one or more cylinders

1 containing no more than 1000 cubic feet of helium used for inflation of
2 balloons.”

3 Section 20. Subsection a. of Section 8. of Ordinance No. 651 is amended to read as
4 follows:

5 “a. Penalties. Businesses that are delinquent in filing a Business
6 Emergency Plan, paying the permit fee, or both, shall be subject to
7 penalties as established under Ordinance 640.”

8 Section 21. Section 11. of Ordinance No. 651 is amended to read as follows:

9 “Stricter” is replaced with “more restrictive.”

10 Section 22. Section 12. of Ordinance No. 651 is repealed in its entirety.

11 Section 23. Section 13. of Ordinance No. 651 is repealed in its entirety.

12 Section 24. Section 14. of Ordinance No. 651 is repealed in its entirety.

13 Section 25. Section 15. of Ordinance No. 651 is repealed in its entirety.

14 Section 26. Existing sections 16., 17., and 18. of Ordinance 651 are renumbered
15 sections 12., 13., and 14., respectively.

16 Section 27. This Ordinance shall take effect thirty (30) calendar days after its
17 adoption.

18
19 BOARD OF SUPERVISORS OF THE COUNTY
20 OF RIVERSIDE, STATE OF CALIFORNIA

21 By _____
22 Chairman, Board of Supervisors

23 ATTEST:

24
25 Clerk of the Board
26 By _____
27 Deputy

28 G:\Property\06-ORDINANCE\651\651 4.doc