

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

808C



FROM: Department of Environmental Health

SUBMITTAL DATE:
October 18, 2013

SUBJECT: Revision to Ordinance No 615 Regulating Businesses where Hazardous Waste is Generated, Stored, Handled, Disposed Treated or Recycled

RECOMMENDED MOTION: That the Board of Supervisors:


1. Upon close of the public hearing, adopt Ordinance No. 615 as revised.

BACKGROUND:

Summary

The Department of Environmental Health Hazardous Materials Management Branch was designated in 1997 by the State of California, Environmental Protection Agency as the Certified Unified Program Agency (CUPA) which is the lead agency for the County. The CUPA is charged with the inspection of businesses that generate hazardous waste and enforcement of hazardous waste control laws and regulations.


SVS:JW


Steve Van Stockum
Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0*	\$ 0*	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: *Department Permit Fees for ongoing regulation of facilities				Budget Adjustment: No	
				For Fiscal Year: 13/14	

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Steven C. Horn, MPA

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

☐ A-30

☐ Positions Added

☐ Change Order

☐ 4/5 Vote

2013 OCT 18 6W 5:10

Prev. Agn. Ref. 000013

District: All

Agenda Number:

9-2

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

FORM 11: Ordinance 615 Revision

DATE: October 18, 2013

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

This ordinance and the existing program have made hazardous materials and waste disposal in the County and most cities more coordinated, consolidated and consistent. The CUPA is responsible for coordinating and implementing these hazardous materials/waste management programs county-wide in order to further this goal. Due to changes in Federal and State regulations and changes in the industry, Ordinance 615 is being revised to remove outdated or unused processes and procedures. The revision will also update specific references to the California Health and Safety Code sections and other County Ordinances such as Ordinance 640 and 725. Additional changes will revise language to accommodate new State mandated electronic reporting, in order to increase clarity and intent of some regulations and to make general edits for consistency.

Impact on Citizens and Businesses

The proposed revisions are intended to make the ordinance language clear to businesses as they navigate complex hazardous waste and material regulations as well as Department staff who inspect and regulate these businesses. Many of these revisions are necessary due to changes in State regulations and will make State and local requirements more consistent. These revisions would also provide for a variance for very small hazardous waste generators while continuing to protect health and safety.

SUMMARY OF PROPOSED ORDINANCE NO. 615
(AS AMENDED THROUGH 615.4)

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 615 RELATING TO BUSINESSES WHERE HAZARDOUS
WASTE IS GENERATED, STORED, HANDLED, DISPOSED, TREATED, OR
RECYCLED AND INCORPORATING BY REFERENCE HEALTH AND SAFETY
CODE SECTIONS 25000 ET SEQ. AND TITLE 22 OF THE CALIFORNIA CODE
OF REGULATIONS DIVISION 4.5, CHAPTER 10

This summary is presented pursuant to California Government Code Section 25124(b); a certified copy of the full text of Ordinance No. 615 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside located at 4080 Lemon Street, 1st Floor, Riverside, California.

Ordinance 615 implements, within the County of Riverside, the Hazardous Waste Control Law of the State of California, Health and Safety Code, Chapter 6.5, Division 20, Sections 25100 et seq., the regulations adopted pursuant to the law, Title 22 of the California Code of Regulations, Division 4.5, Chapter 10, and establishes a system for permitting businesses that handle hazardous waste to enforce a minimum standard, designating the Department of Environmental Health as the administering agency.

Ordinance 615 is being amended to remove outdated or unused processes and procedures, to update references to California Health and Safety Code sections and other County ordinances (such as Ordinance 640 and Ordinance 725), to revise and streamline reporting and permit application language to accommodate State mandated electronic reporting required by California Health and Safety Code, Chapter 6.11, sections 25404-25404.8 for the Unified Program, to increase clarity and intent of regulations pertaining to closed containers, to make general format and organization changes for consistency with other Department ordinances and to generally made Ordinance 615 current and easier for business to understand.

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The Board of Supervisors of the County of Riverside ordains as follows:

“ORDINANCE NO. 615.4”

Section 1. PURPOSE, AUTHORITY AND IMPLEMENTATION. The purpose of this ordinance is to implement, within the County of Riverside, the Hazardous Waste Control Law of the State of California, Health and Safety Code, Chapter 6.5, Division 20, Sections 25100, et seq., as it is amended; the regulations adopted pursuant to that law, Title 22 of the California Code of Regulations, Chapter 4.5, Chapter 10, as amended; and to establish a system for permitting businesses that handle hazardous waste, to enforce minimum standards respecting such materials, and to designate the Department of Environmental Health, (DEH) as the administering agency (or Certified Unified Program Agency – CUPA) responsible for administering and enforcing Chapter 6.5 CH&SC. It is the intent of the County of Riverside, Board of Supervisors to impose additional and more stringent requirements on businesses that generate hazardous waste than those imposed by Chapter 6.5 of the California Health and Safety Code.

1 Section 2. DEFINITIONS.

2 a. Incorporated by Reference

3 The terms used in this Ordinance shall be as defined in the Hazardous Waste
4 Control Law of the State of California, Health and Safety Code, Chapter 6.5,
5 Division 20, Sections 25100, et seq., as it is amended, and the regulations adopted
6 pursuant to that law, Title 22 of the California Code of Regulations, Division 4.5,
7 Chapter 10, Article 2 as amended, except for the following:

- 8
- 9 1. "Department of Environmental Health" means the County of Riverside,
10 Department of Environmental Health or a representative or employee of that
11 Department. This Department is also the CUPA.
- 12
- 13 2. "Business" means an employer, owner, operator, person, self-employed
14 individual, trust, firm, joint stock company, limited liability company
15 corporation, partnership, or association. For purposes of this ordinance,
16 "business" includes a business organized for profit or nonprofit, and any
17 agency, department, office, board, commission, or bureau of a city, county,
18 or special district. For purposes of this Ordinance, households that generate,
19 store, handle, dispose, treat or recycle hazardous waste of the kind and in
20 the amounts customary for traditional households do not constitute a
21 business. Businesses accepting household hazardous waste or conditionally
22 exempt small quantity generator hazardous waste (e.g. used oil,
23 architectural coating paint related waste, etc.) are subject to this ordinance.
- 24
- 25 3. "Closed Container" includes, but is not limited to, a container with all lids,
26 gaskets, bung caps, and/or locking rings in place, tight, and secure,
27 preventing the release of hazardous waste liquids, volatile organic liquids,
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dispersible solids, or sublimable solids from the container independent of the container position or orientation.

4. "CUPA" means the Certified Unified Program Agency.

5. "Director" means the Director of the Department of Environmental Health or his designee.

Section 3. INSPECTIONS OF BUSINESSES WHERE HAZARDOUS WASTE IS GENERATED, STORED, HANDLED, DISPOSED, TREATED, OR RECYCLED.

- a. Inspections. The Department of Environmental Health as the CUPA is hereby empowered to make periodic inspections of businesses where hazardous waste is generated, stored, handled, disposed, treated, or recycled, and all businesses where the CUPA has reasonable cause to believe that hazardous waste is generated, stored, handled, disposed, treated, or recycled. Such inspections may be made without prior notice of same to the owner or operator of such business.
- b. Failure to Comply. The failure or refusal of the owner or operator of such business or his employee, agent, or any other person acting with such owner's or operator's consent or pursuant to his authority, to permit any such inspection of the business by the CUPA as provided herein, shall be a violation of this Ordinance.

Section 4. PERMIT AND PERMIT APPLICATION REQUIREMENT FOR BUSINESSES WHERE HAZARDOUS WASTE IS GENERATED, STORED, HANDLED, DISPOSED, TREATED OR RECYCLED.

- a. Permit Required. No person shall operate a business where hazardous waste is generated without a valid permit issued by the CUPA. Application for a permit shall be made to the CUPA upon the written and/or electronic reporting forms provided as described in Section 4(c) of this Ordinance, and shall be accompanied

1 by the appropriate fee as specified in Ordinance No. 640 and Section 6 of this
2 Ordinance. A permit may be issued at any time during the year. All permits and
3 application for permits shall expire annually on the one-year anniversary of the date
4 of program qualification and a new permit must be applied for at least 30 days prior
5 to the expiration of the current, valid permit. For non-permitted businesses, permit
6 fees and completed reporting forms are due at the time hazardous waste is first
7 produced at the business. Permit fees for previously unpermitted businesses, which
8 have not been issued permit notices by the Department of Environmental Health,
9 may only be collected for the period after the effective date of this Ordinance.
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11 b. Completion of a Permit Application. The CUPA is hereby empowered to require
12 all persons known or reasonably believed to be owners or operators of businesses
13 where hazardous waste is generated, stored, handled, disposed, treated, or recycled
14 to complete and submit a Permit Application provided by the CUPA as described in
15 Section 4(c) of this Ordinance. CUPA shall process the Permit Application
16 according to Section 4(e) of this Ordinance.
17

18 c. Application. The completed Application shall be signed and dated by the owner or
19 operator of the business and shall at a minimum consist of Business Activities and
20 Business Owner/Operator Identification forms. Other written or electronic forms
21 may be required for businesses, including for those businesses subject to tiered
22 permitting.
23

24 The application shall also contain the number of employees who are associated
25 with hazardous waste management activities. This can include, but is not limited to,
26 employees, operators, or volunteers, including associated supervisors, who generate
27 hazardous waste as part of their work duties, identify hazardous waste or make a
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1 hazardous waste determination, label hazardous waste containers, sign hazardous
2 waste manifests, perform hazardous waste storage area or tank inspections, respond
3 to hazardous waste spills or leaks, etc.

- 4 d. Tiered Permitting. A business that is regulated under the “permit-by-rule,”
5 “conditionally authorized” or “conditionally exempt” tiers, as defined in the
6 incorporated Health and Safety Code Sections, shall be required to complete an
7 Application as well as onsite hazardous waste treatment forms. The business shall
8 be subject to the requirements of Health and Safety Code Section 25100, et seq.
9 and California Code of Regulations, Title 22, Division 4.5.
- 10 e. Permit Issuance. Upon receipt of the Application for a permit and the payment of
11 the required fee, the CUPA shall review the information set forth in the
12 Application. Such review may include, but is not limited to, an inspection by the
13 CUPA of the hazardous waste activities at the applicant's business. After such
14 review has been satisfactorily completed, the CUPA shall issue a permit to any
15 business that generates hazardous waste.
- 16 f. Reporting of Changes. Holders of permits issued pursuant to this Ordinance shall
17 report to the CUPA, either in writing or electronic form, any change of business
18 address, change or transfer of business ownership, change of business name, or
19 change of permit designation or conditions (including number of employees),
20 within thirty (30) days of any such change. In addition to written notice of a
21 change or transfer of business ownership, a new permit, issued pursuant to this
22 ordinance, must be applied for and all necessary permit fees paid within thirty (30)
23 days of such change or transfer of ownership.
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1 g. Non-transferability of Permit. Unless otherwise noted, no permit issued pursuant to
2 this Ordinance shall be assignable or transferable whether voluntarily or by
3 operation of law.

4 h. Failure to Comply.

5 1. Failure or refusal of the owner or operator of a business generating
6 hazardous waste to submit to the CUPA within thirty (30) days of receipt of
7 the request thereof, the appropriate permit application and fee as required by
8 Ordinance No. 640, shall constitute a violation of this Ordinance.

10 2. Failure or refusal of the owner or operator of a business to comply with the
11 Hazardous Waste Control Law of the State of California as set forth in the
12 California Health and Safety Code, Section 25100, et seq., and the
13 Environmental Health Standards for the Management of Hazardous Waste
14 as specified in Title 22 of the California Code of Regulations, Division 4.5,
15 shall constitute a violation of this Ordinance.
16

17 Section 5. PENALTY FEES FOR DELINQUENT FILINGS.

18 a. Renewal of Permits. Businesses renewing their permit for an additional year must
19 submit their permit fees at least 30 days prior to the expiration of the current, valid
20 permit. Failure to submit the renewal fees before this deadline shall be subject to
21 penalty fees as established under Ordinance No. 640.

22 b. Unpermitted Businesses. Businesses that are determined to be operating without a
23 valid permit are given 30 days to file for their permit application and pay their permit
24 fees, as required by Ordinance 640. Any failure by the business to file the required
25 application and/or pay the required permit fees within the 30 day period, shall
26 constitute a violation of this Ordinance.
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1 Section 6. VIOLATIONS. No provision of this Ordinance or the enforcement thereof shall
2 preclude the enforcement by the Department of Environmental Health or by the State of California or
3 both, of any provision of Title 22 of the California Code of Regulations or the California Health and
4 Safety Code.

- 5
- 6 a. Infraction. Any person or business operator or owner who violates any of the
7 provisions of this Ordinance shall be guilty of an infraction and upon conviction
8 thereof shall be punished by the fines described in Ordinance 725 and/or Ordinance
9 640.
- 10 b. Misdemeanor. Notwithstanding the foregoing in subsection (a) of this section, a
11 first and subsequent offense may be charged and prosecuted as a misdemeanor and
12 upon conviction thereof shall be punished as provided by Penal Code, Section 19 as
13 amended.
- 14 c. Separate Violations. Each day such violation continues to be committed shall
15 constitute a separate offense.
- 16 d. Remedies and Penalties in Ordinance 725. The additional remedies, penalties and
17 procedures for violation of this Ordinance and for recovery of costs related to
18 enforcement provided for in Ordinance 725 are incorporated herein by this
19 reference.
- 20 e. Correction of Violations. Payment of any penalty established by this Ordinance
21 shall not relieve a person from the responsibility of correcting any violation of this
22 Ordinance, statute or regulation, nor shall it relieve a person from the payment of a
23 penalty fee imposed under Ordinance No. 640.
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27 Section 7. REINSPECTION FEE. If an inspection required by Chapter 6.5 (commencing
28 with section 25100) of Division 20 of the Health and Safety Code, or by any regulations pursuant thereto,

1 results in any violation which is not observed to be corrected by or during the first re-inspection following
2 the initial inspection, the business will be subject to a re-inspection fee as established under Ordinance
3 No. 640 for any subsequent re-inspection associated with those continuing violations.

4 Section 8. VARIANCE. The Director may grant variances to the permit and fee
5 provisions of this article if the waste produced is insignificant as a potential hazard to humans, domestic
6 livestock or wildlife due to its small quantity, low concentration and/or its physical or chemical
7 characteristics. Any variance granted does not exempt the producer from any other applicable laws and
8 regulations governing the management of hazardous wastes.
9

10 Section 9. PUBLIC NUISANCE. The generation, storage, or handling of hazardous waste in
11 violation of the provisions of this Ordinance is hereby declared to be a public health nuisance.

12 Section 10. SEVERABILITY. If any provision, clause, sentence, or paragraph of this
13 Ordinance or the application thereof to any person, business, or circumstances shall be held invalid, such
14 invalidity shall not affect the other provisions or application of the provisions of this Ordinance which can
15 be given effect without the invalid provision or application, and to this end, the provisions of this
16 Ordinance are hereby declared to be severable.
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18 Section 11. EFFECTIVE DATE. This amended Ordinance shall take effect thirty (30) days
19 after its adoption.
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21 Adopted: 615 Item 3.12 of 04/23/1985 (Eff: 05/23/1985)
22 Amended: 615.2 Item 11.2 of 03/30/1993 (Eff: 04/29/1993)
23 615.3 Item 12.6 of 07/26/1994 (Eff: 08/25/1994)
24 615.4

25 BOARD OF SUPERVISORS OF THE COUNTY
26 OF RIVERSIDE, STATE OF CALIFORNIA

27 By: _____
28 Chairman


1 ATTEST:

2 CLERK OF THE BOARD:

3 By: _____
4 Deputy
5 (SEAL)
6
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8 APPROVED AS TO FORM

9 June 17, 2013

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11 By: _____
12 ERIC STOPHER
13 Deputy County Counsel

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